



## **Town of Arlington, MA Redevelopment Board**

### **Agenda & Meeting Notice April 7, 2025**

Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to [cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us) by Monday, April 7, 2025, at 3:00 pm. The Board requests that correspondence that includes visual information should be provided by Monday, April 7, 2025, at 10:00 pm. Please note that all times are estimates; individual agenda items may occur earlier or later than the time noted.

The Arlington Redevelopment Board will meet Monday, April 7, 2025 at 7:30 PM in the **Arlington Community Center, Main Hall, 27 Maple Street, Arlington, MA 02476**

#### **1. Review Meeting Minutes**

7:30 pm      The Board will review and vote to approve meeting minutes from March 17, 2025, and March 24, 2025.

#### **2. Public Hearing: Warrant Articles for 2025 Annual Town Meeting**

7:35 pm      The Board will deliberate and vote on the following proposed zoning amendments to the Zoning Bylaws.

##### **ARTICLE 25**

##### **ZONING BYLAW AMENDMENT / ACCESSORY DWELLING UNITS**

To see if the Town will vote to amend Section 2: Definitions, Section 5.4.2.B. (6) Large Additions, Section 5.4.2.B.(7) Garages, Section 5.10.2 Accessory Dwelling Units, and Section 6.1.4 Parking, of the Zoning Bylaw, to revise the requirements for permitting accessory dwelling units as-of-right or by special permit; or take any action related thereto.

##### **ARTICLE 26**

##### **ZONING BYLAW AMENDMENT / TRANSPORTATION DEMAND MANAGEMENT PLAN**

To see if the Town will vote to amend Section 6.1.5 Parking Reductions in Business, Industrial, and Multi-Family Residential Zones, of the Zoning Bylaw, to adjust the requirements for Transportation Demand Management plans and methods; or take any action related thereto.

##### **ARTICLE 27**

##### **ZONING BYLAW AMENDMENT / DELETE INLAND WETLAND OVERLAY DISTRICT**

To see if the Town will vote to delete Sections 4.1.2(2) and 5.8, Inland Wetland District, of the Zoning Bylaw, and adjust the numbering of subsequent sections; or take any action related thereto.

## **ARTICLE 28**

### **ZONING BYLAW AMENDMENT / DEFINITION OF LOT COVERAGE**

To see if the Town will vote to amend Section 2: Definitions, of the Zoning Bylaw, to add a new definition, Lot Coverage; or take any action related thereto.

## **ARTICLE 29**

### **ZONING BYLAW AMENDMENT / PARKING IN RESIDENTIAL DISTRICTS**

To see if the Town will vote to amend Section 6.1.10.A of the Zoning Bylaw, to amend and clarify standards for the location of parking in Residential districts; or take any action related thereto.

## **ARTICLE 30**

### **ZONING BYLAW AMENDMENT / SCREENING AND BUFFER REQUIREMENTS**

To see if the Town will vote to remove duplicate material by combining Section 5.3.7 and 5.3.21 of the Zoning Bylaw into Section 5.3.7 and thus deleting Section 5.3.21, revise Section 5.3.7 for clarity, move a subsection to Section 5.3.13, and amend a reference in Section 5.6.2; or take any action related thereto.

## **ARTICLE 31**

### **ZONING BYLAW AMENDMENT / REDEVELOPMENT BOARD JURISDICTION**

To see if the Town will vote to amend Section 3.4.2 of the Zoning Bylaw, to revise the special permit and environmental design review applicability for certain properties abutting the Minuteman Bikeway; or take any action related thereto.

## **ARTICLE 32**

### **ZONING BYLAW AMENDMENT / REZONE B1 PARCELS**

To see if the Town will vote to amend Section 5.5 Business Districts, of the Zoning Bylaw, to rezone certain parcels in the B1 Neighborhood Office Business District to B2A Major Business District; or take any action related thereto.

## **ARTICLE 33**

### **ZONING BYLAW AMENDMENT / ZONING MAP ADOPTION FOR B1 REZONING**

To see if the Town will vote to adopt changes to the Zoning Map that would rezone certain parcels in the B1 Neighborhood Office Business District to B2A Major Business District; or take any action related thereto.

## **ARTICLE 34**

### **ZONING BYLAW AMENDMENT / ADMINISTRATIVE CORRECTION**

To see if the Town will vote to amend Section 4.2 of the Zoning Bylaw, to reflect changes to the Zoning Map adopted by previous Town Meeting action; or take any action related thereto.

## **ARTICLE 35**

### **ZONING BYLAW AMENDMENT / ZONING MAP ADOPTION FOR ADMINISTRATIVE CORRECTION**

To see if the Town will vote to adopt changes to the Zoning Map, as amended by previous Town Meeting action; or take any action related thereto.

## **ARTICLE 36**

### **ZONING BYLAW AMENDMENT / NO NET LOSS OF COMMERCIAL SPACE FOR LOCAL BUSINESS**

To see if the Town will vote to amend the Zoning Bylaw in Section 5.5.2.B, to set a required minimum floor area percentage for permitted non-residential principal uses in mixed use developments; or take any action related thereto.

## **ARTICLE 37**

### **ZONING BYLAW AMENDMENT / MULTI-FAMILY PARKING REDUCTION**

To see if the Town will vote to amend Section 6 of the Zoning Bylaw to provide additional options for reducing parking requirements in multi-family residential developments and add a definition and standards for cargo bicycle parking; or take any action related thereto.

#### **ARTICLE 38**

##### **ZONING BYLAW AMENDMENT / USE REGULATIONS FOR RESIDENTIAL DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw Section 2 Definitions and Section 5 District Regulations to allow additional business uses in residential districts; or take any action related thereto.

#### **ARTICLE 39**

##### **ZONING BYLAW AMENDMENT / 17 PALMER STREET TO THE MBTA NEIGHBORHOOD DISTRICT**

To see if the Town will vote to add the Address of 17 Palmer St., zoned R2 Residential Two-Family, to the Neighborhood Multi-Family (NMF) Housing Overlay District; or take any action related thereto.

#### **ARTICLE 40**

##### **ZONING BYLAW AMENDMENT / TWO-FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES**

To see if the Town will vote to amend Section 5.4 of the Zoning Bylaw by amending definitions and expanding allowable residential uses in R0 Large Lot Single-Family District and R1 Single-Family District; or take any action related thereto.

#### **ARTICLE 41**

##### **ZONING BYLAW AMENDMENT / AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend its Zoning Bylaw to create an Affordable Housing Overlay District so that housing meeting certain requirements with respect to affordability may be constructed as of right (including, without limitation, amendments to Sections 2 and 5 of the Zoning Bylaw to adopt such Affordable Housing Overlay District and amendments to Sections 4.1.2 and 4.2 of the Zoning Bylaw to add reference to such Affordable Housing Overlay District}; or take any action related thereto.

#### **ARTICLE 42**

##### **ZONING BYLAW AMENDMENT / AMENDMENT OF ZONING MAP TO INCLUDE AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend its Zoning Map to include and reflect an Affordable Housing Overlay District, if such a District is approved by the Town at its 2025 Annual Town Meeting; or take any action related thereto.

#### **ARTICLE 43**

##### **ZONING BYLAW AMENDMENT / PUBLIC SHADE TREES**

To see if the Town will vote to amend Section 6.3.4 of the Zoning Bylaw, which requires developers to plant a street tree every 25' in front of the property, to add provisions to increase the likelihood of survival of trees by requiring Tree Warden approval of chosen trees, more specific maintenance requirements, regular reports to DPCD on the health of trees planted, and planting on the private property if there is no suitable place in the public way (except for exceptional circumstances); or take any action related thereto.

#### **ARTICLE 44**

##### **ZONING BYLAW AMENDMENT / AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw to establish an affordable housing overlay district to allow multi-family affordable housing as-of-right in any district except Industrial or Open Space; or take any action related thereto.

10:00 pm

#### **4. Adjourn**

10:15 pm (Estimated)

#### **5. Correspondence**

Warrant Articles:

- Article 38 - J. Fleming, 4/7/2025
- Article 40 - J. Susse, 3/20/2025
- Article 40 - C. Heigham, 3/21/2025
- Article 40 - L. Culvernhouse, 3/25/2025
- Article 40 - D. Levy, 4/2/2025
- Article 40 - X. Pretzer, 4/4/2025
- Article 40 - F. Monks, 4/5/2025
- Article 40 - J. Garber, 4/6/2025
- Article 40 - A. Greenspon, 4/6/2025
- Article 40 - G. Hamlin, 4/6/2025
- Article 40 - C. Heigham, 4/6/2025
- Article 40 - C. Moore, 4/6/2025
- Article 40 - P. Schlichtman, 4/6/2025
- Article 40 - B. Thornton, 4/6/2025
- Article 40 - B. White, 4/6/2025
- Article 40 - S. Doctrow, 4/7/2025
- Article 40 - P. Fuller, 4/7/2025
- Article 40 - D. Levy, 4/7/2025
- Article 40 - C. Parsons, 4/7/2025
- Article 40 - K. Pennarun, 4/7/2025
- Article 40 - L. Slotnick, 4/7/2025
- Multiple Articles - J. Brown, 3/17/2025
- Multiple Articles - M. Conrad, 3/17/2025
- Multiple Articles - D. Von Schack, 3/18/2025
- Multiple Articles - D. Mazor, 3/24/2025

15 Ryder Street:

- C. Sanchez, 3/30/2025





## Town of Arlington, Massachusetts

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### Review Meeting Minutes

#### Summary:

7:30 pm      The Board will review and vote to approve meeting minutes from March 17, 2025, and March 24, 2025.

#### ATTACHMENTS:

Type	File Name	Description
▢ Meeting Minute (draft)	03172025_DRAFT_Minutes_Redevelopment_Board.pdf	03172025 DRAFT Minutes Redevelopment Board
▢ Meeting Minute (draft)	03242025_DRAFT_Minutes_Redevelopment_Board.pdf	03242025 DRAFT Minutes Redevelopment Board

**Arlington Redevelopment Board**  
**Monday, March 17, 2025, at 7:30 PM**  
**Community Center, Main Hall**  
**27 Maple Street, Arlington, MA 02476**  
**Meeting Minutes**

This meeting was recorded by ACMi.

**PRESENT:** Rachel Zsembery (Chair), Eugene Benson, Shaina Korman-Houston, Kin Lau, Stephen Revilak

**STAFF:** Claire Ricker, Director of Planning and Community Development; Sarah Suarez, Assistant Director of Planning and Community Development

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The Chair called the meeting of the Board to order.

The Chair opened with **Agenda Item 1 – Public Hearing: Docket #3831, 1323 Massachusetts Ave (continued from January 27, 2025).**

Ms. Ricker explained that the applicant has not provided any updated materials. DPCD staff are working with the applicant to provide updated materials at a future meeting.

The Chair asked for a motion to continue Docket 3831 to Monday, May 5, 2025. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 2 – Public Hearing: Warrant Articles for 2025 Annual Town Meeting.**

The Chair re-opened the warrant article hearing continued from March 10, 2025.

**ARTICLE 36 – NO NET LOSS OF COMMERCIAL SPACE FOR LOCAL BUSINESS**

Kristin Anderson, 12 Upland Road West, is the citizen petitioner who submitted this article. She and Wynelle Evans presented the article. Ms. Anderson runs a local business in Arlington Heights. We need more space in Arlington for businesses, so that local businesses can find appropriate locations. The purpose of this article is to protect commercial space. It requires that the first floor of mixed-use buildings have at least 60% commercial space, and it encourages commercial space on the second floor as well. Local businesses are vital infrastructure for the town. Small businesses make Arlington a vibrant community worth living in. Local businesses provide amenities and necessities that help residents to stay local, and accessing our needs locally on foot or on bike leads to carbon reduction, reducing our dependence on cars. 4% of land in town is zoned for business, but only a fraction of it is actually used for business. We have been steadily losing space for businesses. In 1924, 7% of the town was zoned for business; today it is 4%, but only 3% is actually in use by businesses. Redevelopment has led to the loss of commercial space because Arlington is not protecting it. Mixed-use redevelopment is leading to the continued decline in the amount of available commercial space. The MBTA Communities bylaw requires 60% commercial space on the first floor of mixed-use buildings, and encourages commercial space on the second floor as well. Many neighboring communities feature mixed-use redevelopment that includes multi-floor business use.

Wynelle Evans, Orchard Place, noted that this article aligns with many of the plans that the Town has already developed, including the Master Plan, the Arlington Heights Neighborhood Action Plan, and various climate strategies underway. Economic analysis of the industrial district recommends that residential uses not be allowed on the ground floor, which prevents residential uses from supplanting commercial and industrial uses, a common concern of local businesses.

Mr. Revilak noted that the 60% commercial requirement in the MBTA Communities overlay district refers to gross floor area, while this article proposes 60% of the building footprint. He referred to the most recent mixed-use project permitted by the Board at 1513-1519 Mass Ave. It is a two-story building, with five residential units and one

office space. The developer building this project plans to move their business into the office space, so they represent a new business coming to Arlington. Although the site is zoned B1, there are no businesses currently on the site. The first floor is about half used for parking, and the other half includes one office and one residential unit, each of which are approximately 25% of the total building footprint on the first floor. To get 60% commercial space would require making the first-floor residential unit smaller and eliminating three of the five parking spaces. Ms. Evans said that they were imagining larger buildings with more opportunity for multiple floors of residential space, not smaller projects like this. Ms. Anderson said that three business district plans will be coming up in the next few years, so they are envisioning that this article would be part of those new plans. Mr. Revilak noted that the 60% commercial requirement for MBTA Communities is based on gross floor area, so the parking portion of the first floor would not be included. He would suggest modifying their wording to match what is in the Multi-Family Housing Overlay District.

Mr. Benson said that zoning in general is too restrictive if it does not allow for flexibility. This proposal allows no flexibility for the Board to review specific cases and grant Special Permits modifying the requirements. Every project is unique, and there will be unforeseen circumstances that require flexibility, and may result in projects not being built if the bylaw is too restrictive and the Board cannot exercise discretion. He also noted that this is different from the MBTA Communities overlay because in that case, the housing was by right, and the developer would be allowed a bonus floor for including commercial space, so it made sense to set a minimum requirement for the amount of the first floor that must be commercial.

Mr. Benson noted that there are residential areas that are zoned business. He asked if their intention was to apply this article to all properties in the business districts, even if they are fully residential uses, or only to properties that are currently mixed-use. Ms. Anderson said that this article is an opportunity to increase commercial space and bring new businesses to Arlington.

Mr. Benson noted that their proposal says that at least 40% of the second floor may be used for non-residential purposes, but it does not address what happens if a developer wants to use more or less of the second floor as commercial space.

Mr. Benson also noted that at one point they use the phrase "this area" without making it clear what area is being referred to. He also explained that the Board is moving away from using bullet points in the Zoning Bylaw, in order to make citations and references easier, so he asked that they change the main motion language to replace bullet points with either letters or numbers.

Ms. Korman-Houston also expressed concern about what happens if a fully residential property is being renovated or added to. This proposal would require changing the use of some of the space from residential to commercial.

Ms. Korman-Houston also noted that building management areas such as lobbies and mailrooms are typical to find on the ground floor, so they need to consider that. She also said that she thinks that the way Section 5.5.2.B.(5).c is phrased, allowing "at least 40%" of upper floors to be commercial space, does not achieve what they said they wanted to in their presentation.

The Chair said that it is a challenge to try to fit all the different desires and goals for development into the zoning bylaw. She suggested that their article would be simpler and more effective if applied only to buildings over a certain size. She also agreed with Mr. Revilak that the 60% commercial requirement should apply to the ground floor footprint rather than the building footprint. The Board has seen a number of developments recently in which parking needs to be incorporated on the ground floor. She also recommended that rather than listing specific resident amenities as not counting toward commercial space, they include a larger category of resident-only space.

Mr. Lau suggested considering zoning changes that can be done harmoniously with adjacent zones. Business zones abutting residential zones have different requirements.

Mr. Lau said that he has been talking to business owners about what changes they would like to see. Many of them say that there are not enough transportation options for their employees. Restaurants see a lack of foot traffic and not enough turnover in parking. Adding parking meters on more sections of Mass Ave might encourage people to park for shorter periods of time. Encouraging greater density of housing in or near the business districts would

increase foot traffic. Ms. Anderson noted that this proposal is not meant to be a master plan for how to increase business; it is only meant to address this specific issue.

The Chair opened the floor for public comment.

- Laura Weiner, 73 Jason Street – This proposal freezes Mass Ave in time. She would prefer to see three business districts that are contained and well planned and well zoned, and then consider the areas in between. All the little retail in between the business districts is not helpful to the health of the business districts.
- Steve Moore, Piedmont Street – He noted that the architects and developers responsible for the development at 1513-1519 Mass Ave did not design it with this article in mind, so of course it does not meet the requirements. If they were given the opportunity to work within the limitations proposed by this article, they might have been able to come up with a different plan that met the requirements. He also noted that one option for parking is to have it be below ground level, not on the first floor. That's more expensive to build, but it is a good way to get parking out of the first floor and preserve the first floor for other uses. It will be less profitable for developers, but if they want to build in Arlington, they'll accept it.
- John Worden, 27 Jason Street – When the mixed-use proposal was first made in Town Meeting, some people were concerned that it would be an excuse for putting apartment buildings right up to the street with a token shop on the corner. An amendment was made to require a certain percentage of the development to be for commercial use, but it did not pass, and their fears came to pass. This proposal is a way to deal with that issue.
- Ratnakar Vellanki, 21 Adams Street – Increasing businesses in town is a good idea, but this article is not the way to do that. The number of businesses in Arlington has a strong correlation with the population of the Town, which has decreased since the 1970s. The best way to encourage more businesses would be to develop new housing. Instead of placing more restrictions and requiring owners to allot a certain amount of space for business, we should give them the freedom to build as they want to build, which the existing bylaws allow them to do.

The Chair closed public comment on Article 36.

The Chair summarized the issues that the Board has raised:

- to specify whether this applies to mixed-use only, or also to purely residential buildings in B districts,
- to allow flexibility to the Redevelopment Board for projects that come before it,
- to confirm the definition of building area versus ground floor area,
- to consider restricting this proposal to buildings that are four stories and greater, and
- to be less prescriptive with the amenity spaces.

Mr. Revilak said he agrees with the proponents that it would be nice to have more businesses in Town.

Mr. Benson agreed. He also said that the Board intends to take rezoning plans for Arlington Heights and East Arlington to Town Meeting in 2026. He recommended that the proponents get involved in that process and put their concepts into those plans, rather than applying their proposal to the entire Town now.

Mr. Revilak said that most of the mixed-use regulations vary by lot size, and larger lot sizes make it easier to allow 60% commercial on the first floor while still having enough space for other things. They might consider restricting their proposal by lot size rather than building height, and only applying it to lots larger than 20,000 square feet.

Mr. Lau asked how the proponents plan to encourage upper floor businesses. Ms. Anderson said that the article says that business space can be included on upper floors, but is not required.

The Chair closed discussion of Article 36.

## **ARTICLE 37 – MULTI-FAMILY PARKING REDUCTION**

Vincent Baudoin, 70 Silk Street, presented the article. It provides an alternative pathway to parking reduction in multi-family housing developments. The proposal would allow projects to reduce parking without a special permit

for multi-family developments that use Transportation Demand Management (TDM) strategies. The article proposes eight TDM strategies:

- proximity to a transit stop, with two levels depending on the frequency of the bus line,
- additional bicycle parking beyond what is required,
- cargo bicycle parking, which is defined in the main motion language,
- electric bicycle and scooter parking,
- subsidized transit passes,
- unbundling parking from rent, so that residents have the option not to rent parking,
- off-site parking,
- fee in lieu of parking, which would go to an alternative transportation fund.

Each of these strategies would be assigned a certain number of points, and different numbers of points would allow different percentages of parking reduction. The applications would be reviewed administratively. The goal of this article is to add flexibility to a set of parking mandates that are holding us back in efforts to reduce the impact of climate change and support affordable housing. Current parking requirements subsidize car ownership and driving, and actually lead to increased demand for parking. Car dependence is costly to society. Parking costs are typically bundled in with housing costs, meaning everyone pays for parking, even if they do not own a car. 1 in 10 households in Arlington does not own a car. This article adds flexibility to our requirements while still acknowledging that some areas of town are car-dependent. Parking reform is gathering momentum; many cities and towns around the country have eliminated parking mandates entirely. One of the key recommendations of Arlington's Master Plan is to establish parking ratios that reflect actual need for parking and to give consideration to use, location, and access to transit.

Mr. Lau said that allowing a reduction of over 50% by right, without a special permit, is too aggressive. Smaller reductions might work, but a large reduction should require the review of a special permit process. He also thinks that the number of points awarded for each strategy is too high, and more should be required of developers in order to get parking reductions. He recommended tying affordable units to parking reduction and referencing studies that show that affordable housing actually uses less parking.

The Chair said that she is concerned that the proposal is a complex and prescriptive formula. The Board has proposed a warrant article providing more options for TDM strategies, which moves in the direction of allowing more reductions in required parking. The problem with allowing significant parking reductions as of right is that Arlington still does not allow overnight street parking. Until that is allowed, reducing parking requirements even further is challenging. Mr. Baudoin said that the Select Board has established a pilot program to allow overnight parking, and they have stated that they have no intention of ending the program. The Chair said that the Redevelopment Board has made clear to the Select Board that until there is a permanent version of the program, it will be difficult for them to make significant changes to parking requirements.

Ms. Korman-Houston said that the Board has been thinking about the issue and reiterated that they have proposed an article related to it. She thinks that Mr. Baudoin's proposal is too aggressive, particularly the possibility of a 75% reduction. He said that he recognizes that different areas of town have different needs, but that doesn't seem reflected in his proposal. She suggested that he consider bringing his proposal more into alignment with the TDM plan that is already in the bylaw in Section 6.1.5. She also recommended that he clarify whether the strategy of including cargo bike parking is in addition to other bicycle parking. She is also concerned about the strategy of providing subsidized transit passes because that could be time-limited. She also agreed with the Chair that the Select Board's off-street pilot parking program is not sufficient.

Mr. Benson said that it is not clear how Mr. Baudoin's proposal would interact with the existing TDM section of the bylaw. If he intends for this proposal to apply only by-right projects that do not need a special permit, then it carves out an area not currently addressed in the bylaw. But if a project does require a special permit, it is not clear which section would apply.

Mr. Benson noted a number of problems and inconsistencies in the wording of the proposal:

- He was surprised that the definition of cargo bicycle parking does not include an electrical outlet.

- The zoning bylaw defines multi-family dwelling, which is four or more units, or multi-family housing, which is three or more, but the proposal refers to multi-family residential development, which is not defined.
- The proposal refers to “frequent bus routes,” but the MBTA does not use that term. It uses “key bus routes.” In addition, tying zoning to specific bus routes is problematic because the MBTA can change them. It makes more sense to reference frequency and days of service.
- It is not clear when proximity to a bus line would result in 2 points and when in 4 points.
- The proposal defines the distance from a building to a transit stop in a straight line, but it should be the actual walking distance.
- As written, the proposal would apply to condo owners as well as renters. In the case of condo owners, the strategy of providing subsidized transit passes does not make sense, as the owners would be subsidizing it themselves.
- Paying a fee in lieu of parking does not reduce the actual demand for parking. The proposal also says that the fund established for such fees is managed by both the Town Manager and the Director of DPCD, but there should only be one manager.
- The proposal does not deal with how to address percentage reductions that result in fractional numbers of parking spaces.

Mr. Benson asked if Mr. Baudoin has any evidence to back up the structure of the points system. Are there any studies that show that using these particular strategies in this way results in a reduction of parking use by the amounts suggested? He is concerned that using multiple strategies will not be additive in the amount of demand reduction, so will allow developers to significantly reduce parking while not commensurately reducing demand. Mr. Baudoin replied that any such system is somewhat arbitrary, but he tried to consider different configurations of strategies for different sizes of buildings. His goal was to provide a fairly prescriptive pathway that is clear for by-right developments, without eliminating the option for a more tailored, negotiated process with special permits.

Mr. Benson referred to other situations in which developments that have provided reduced parking have resulted not in reduced demand, but in residents parking on the street in nearby neighborhoods, causing issues for the residents of those neighborhoods.

Mr. Revilak said that with this proposal, a developer has three choices: 1) provide the required minimum parking, 2) use the TDM plan outlined in Section 6.1.5, which is similar to a point system, although not as detailed and complex, or 3) use the TDM plan outlined by this proposal. The Board recognizes that it can be difficult for a smaller development to provide TDM strategies, and they address that issue in Article 26, which proposes to amend Section 6.1.5.

The Chair opened the floor for public comment.

- Liz Reisberg, Shawnee Rd – In theory, she loves the idea of fewer cars in Arlington, but this proposal is operating on the assumption that fewer parking spaces results in fewer cars. She worries that if we reduce the amount of parking provided on private property, it will increase demand for street parking. If Arlington removes the overnight street parking ban, there will be no way to control how many cars households have, and we run the risk of creating a situation where there are significantly more cars than available parking spaces.
- Carl Wagner, Edgehill Rd – The Board already has the ability to reduce the amount of required parking. Flexibility is important, but this proposal seems to take flexibility away from the Board. The actual ownership of cars per unit is well over one. Even Cambridge, which has the lowest proportion of car ownership in the state, has 0.87 cars per unit. This proposal allows for extreme reductions in parking with relatively minimal work on the developer’s part, but it is wishful thinking that parking demand will actually reduce as a result. The Master Plan calls for parking to address the actual need, not what we wish parking demand were.
- John Worden, 27 Jason St – The current public transportation system has been decimated, and people cannot rely on it. Bus routes have been eliminated, and frequency has been reduced.
- Tristan Boyd, 63 Bow St – His household has two adults but only one car, which is also shared with his mother on some days. There is increased demand in metro Boston for car-lite or car-free options. Arlington

has three grocery stores and two drug stores near the bike path. The proposal addresses an issue that will not be solved with only one article, but it is a good first step and should be supported.

- Kristin Anderson, 12 Upland Rd West – She loves the idea of incentivizing developers to include space for bicycles and other alternative types of transportation.

The Chair closed public comment on Article 37.

The Chair summarized the issues the Board has raised:

- Without permanent on-street parking allowed, reducing parking is a challenge.
- The allowed percentage reductions for points seems high.
- The possibility of tying affordable units to parking reduction.
- How this proposal aligns with Section 6.1.5.
- Whether cargo bike parking will be instead of or in addition to regular bike parking.
- How subsidized transit passes will work, both in terms of the length of time and for condo owners.
- The need for clarity around the definition of multi-family.
- The need for clarity around what a frequent bus route is.
- The measurement of distance in a straight line versus walking distance.
- The need for evidence to back up the points scheme.

Mr. Revilak noted that Section 6.1.5 can allow up to a 75% reduction as part of a special permit, but the Board is hesitant about allowing a 75% reduction by right. He thinks this is a well-thought-out proposal.

Mr. Benson disagreed, because of all the details he has already mentioned. He also noted that the zoning bylaw already allows a 10% reduction in parking if the development includes affordable units. Arlington used to have larger parking requirements, which have been reduced over the years. A study that the Metropolitan Area Planning Commission (MAPC) did a few years ago found that overall demand for residential parking is pretty close to one space per unit, which is what Arlington requires. The zoning bylaw already allows for flexibility using TDM plans.

Ms. Korman-Houston said that a 75% reduction as of right is too aggressive, but the proposal includes strong elements. She encouraged the proponent to make some changes.

Mr. Lau agreed with Ms. Korman-Houston. The Chair agreed with Mr. Benson.

Mr. Baudoin said that DPCD staff sent him some detailed comments which he has not had a chance to incorporate yet. He will take those comments and the comments from the Board into consideration.

The Chair closed discussion of Article 37.

## **ARTICLE 38 – USE REGULATIONS FOR RESIDENTIAL DISTRICTS**

Andrew Greenspon, 89 Palmer Street, presented the article. This article has come out of multiple Town Meetings and Redevelopment Board meetings where people have said that there is not enough space for new businesses. The proposal defines fitness center, which is in use tables but is not defined. The proposal would allow a variety of businesses, including personal service establishments, laundry and dry-cleaning, fitness and health clubs, small restaurants, small retail, medical offices, clergy offices, catering, and artistic and creative production, in some of the residential districts. Some of these various uses are already allowed in some residential districts, but this proposal would allow them in more districts. The proposal does not change any dimensional requirements in any districts. The Town clearly needs more commercial and business space; there is limited space and a low vacancy rate, and many vacant spaces are old and in disrepair. The proposal would also promote equitable access to areas of Town other than Mass Ave and Broadway and create more walkable neighborhoods. Many businesses are already directly adjacent to residential uses, of which he gave multiple examples. Current zoning exists largely because of what was there when the zoning was created, not due to a vision for a coherent community. Most businesses in Arlington are home occupations, but the bylaw is restrictive about what is allowed. Starting a home business is much more affordable than renting a business space, so expanding business uses in residential zones would support entrepreneurship.

Mr. Lau said that he does not think it is appropriate to allow businesses in all residential areas. He would suggest allowing it in residential properties that abut business districts. It makes more sense to allow additional businesses on the edge of current business districts than in the middle of residential districts. This could be accomplished by adding a footnote to the use tables.

Ms. Korman-Houston agreed with Mr. Lau.

Mr. Benson said that he is not sure if Mr. Lau's proposal would violate the 40A requirement on uniformity. He recommended that Mr. Greenspon talk to Town Counsel.

Mr. Benson said that the bylaw does include a definition of recreational facilities, which is often used for fitness centers. It would be important to distinguish those definitions.

Mr. Benson noted that personal service establishments can include barbershops, hair salons, nail salons, dry-cleaning, laundromats, tailors, and shoe repair shops. He asked if Mr. Greenspon intended for all of those to be allowed by right in all business districts. He also pointed out that the proposal includes a row for personal service establishments, and another row that includes some specific personal service establishments with 5 or more employees, which is unclear. Mr. Greenspon said that he copied it directly from the use tables for the business districts, so it would work the same way. Mr. Benson said that there may be flaws in the use tables for the business districts, but they should not be carried over into the residential section.

Mr. Benson said most of his examples are on or near Mass Ave or Broadway, which is also where most R3 through R7 districts are. Much of what this proposal allows would be limited to R3 through R7, so it would not help people living in neighborhoods further out, who cannot currently walk to any businesses.

Mr. Benson noted that the proposal does not limit the number of employees allowed in many of the uses. Mr. Greenspon said that it was directly copied from the business use tables. Mr. Benson said that the residential districts are different, and large businesses with many employees make more sense in a business district than a residential district.

Mr. Revilak asked why the proposal does not allow small retail in R0, R1, and R2. Mr. Greenspon said that he talked to Katie Luczai, Economic Development Coordinator, who did some research on this issue. He is willing to make further limitations, but he does think that more uses should be allowed in R0, R1, and R2.

The Chair agreed that it should be easier for someone to run a small business such as speech therapy or craft production out of their home. But the breadth of uses that are proposed is too much. There are probably nodes in town where it would make sense to allow a greater variety of business uses, but they are not appropriate in every location. That might involve a comprehensive rezoning plan that created small business zones in a variety of neighborhoods. She would prefer to see the proposal significantly narrowed to small home-based businesses.

Mr. Benson read from Mass General Laws on zoning, which said that zoning must be uniform within each district for each type of use or structure permitted. His interpretation of that would be that specific uses cannot be allowed in residential properties that abut business districts, but not in other residential properties with the same zoning. But he does not know if there is a body of case law about this issue, so he suggested getting an opinion from Town Counsel.

The Chair opened the floor for public comment.

- Eileen Cahill, 48 Dixon Ave – It is important to consider the subsurface utilities. Utilities such as sewers would have been designed differently for commercial versus business uses. A use like a restaurant would require a different sewer capacity which may not be available in a residential zone.
- Steve Moore, Piedmont St – He agrees with the Board that this is a very broad change. He is surprised by the use of use tables to essentially redo the zoning map by broadening the residential use table significantly. The existence of a transition area between a business use and a residential use is not a good justification for allowing more business uses throughout all residential areas. People living in residential areas are not expecting to have the proposed types of business uses in their neighborhoods. He would ask the proponents why they think there is general support for this.



- Kristin Anderson, 12 Upland Rd West – She is in favor of this proposal generally, and she appreciates Mr. Lau’s proposed modification.

The Chair closed public comment on Article 38.

Mr. Revilak said that of the places he has lived in Massachusetts, Arlington has the least commercial amenities, and he would like to see more. He referred to the 1924 zoning map shared earlier by Ms. Anderson, and he noted that the commercial properties were primarily surrounded by farms, with a train line running through it, so it was a very different situation.

Mr. Revilak noted that one reason to make this type of change through the use tables rather than rezoning is that the bylaw requires a certified notice be sent to every abutter of a property to be rezoned. If multiple properties are considered, that is prohibitively expensive.

Mr. Benson said that use tables are changed all the time, so he sees no problem with changing them. He would be open to a proposal allowing small home-based businesses in residential districts, but this proposal is too broad and allows too many potentially large, loud businesses in residential neighborhoods. Mr. Greenspon said that he would be open to any suggestions the Board makes. He will speak to Town Counsel about the possibility of allowing increased business uses only in residential properties that abut business districts. He will also consider as allowing a larger number of new uses in R4 through R7, which are mostly on or close to Mass Ave and Broadway, and allowing a much more limited number of business uses in R0 through R3.

The Chair encouraged Mr. Greenspon to think about the main goal – to encourage small businesses through a wider area, or to allow more uses in larger R4 through R7 parcels. That could lead to a more specific and targeted proposal. Mr. Greenspon asked if he can add new uses to the use table that aren’t included in the Definitions in Section 2. Mr. Benson replied that if a term is commonly understood, like “tailor,” it can be included in the use tables without a definition. If it is unclear, like “hand laundry,” then either a clearer term should be used or a definition should be added.

The Chair closed discussion of Article 38.

#### **ARTICLE 40 – TWO-FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES**

David Levy, 95 Rhinecliff Street, Town Meeting Member Precinct 18 – A nearly identical article was proposed in 2022, and he voted against it, but his thoughts have changed. He has struggled with figuring out how to make housing more affordable. He does not see how that can happen without increasing the amount of housing. He does not think that this proposal will significantly increase housing or make it more affordable by itself. Approximately 80 single-family houses under 1,750 square feet are sold in Arlington each year; approximately 26 are under 1,500 square feet. Between 2010 and 2022, approximately 27 permits were issued each year for single-family construction; that went down to about 14 in 2024. If this article were to pass, it will probably not lead to a large amount of new construction in the R0 and R1 districts. We have a 10% lower elementary school population than in 2019, and we are unlikely to get back to 2019 levels based on this proposal. This proposal includes no change to parking requirements and setbacks. Small houses are regularly torn down and replaced with much bigger houses, which sell for considerably higher prices than smaller single-family homes. If a developer could build a two-family unit on the same parcel, each unit would sell for considerably less – it will still be expensive, but closer to the median house price in Arlington.

Mr. Lau noted that people who have bought property in single-family districts did so for a reason, and this would be a major change to their neighborhoods. He thinks they should have a say in making such a change.

The Chair asked if Mr. Levy has found any studies of towns, not cities, that have eliminated single-family zoning, and what effects it has had. Mr. Levy said that the closest he has found is Durham, North Carolina. It is a city and larger than Arlington, but it is comparable. It has not significantly changed housing prices, but it has allowed more people.

The Chair asked if Mr. Levy has done any outreach to residents. He said that all the warrant article signatures have come from people who live in single-family homes. As people see much larger houses being built, they realize that more people could be living in that space, more affordably. Many people who have raised children in Arlington

struggle with the fact that their adult children cannot afford to live here. He has mostly done outreach within Precinct 18, but he will be talking with more groups, and he put an article in *Your Arlington*. He has also noticed every Town Meeting Member.

Ms. Korman-Houston asked if this proposal is identical to what was proposed in 2022. Mr. Levy replied that it is. She asked why he thinks this might be a better environment for passing this article than in 2022. Mr. Levy said he has had more and more conversations with people wondering if they or their families can afford to live in Arlington. This is a national issue; there is increasing awareness of the crisis of housing affordability across the country.

Mr. Benson said that the Board has received some correspondence saying that we should give the MBTA Communities rezoning a few more years and see what the effect is before making further changes. Mr. Levy said that this proposal provides more options to a wider variety of homeowners and provides options beyond what the MBTA Communities overlay provides. He thinks they can work in tandem.

Mr. Benson asked if Mr. Levy knows how many two- and three-family homes currently exist in the R0 and R1 districts. Mr. Levy said that he thinks it's about 180. Mr. Benson suggested that he find out exactly how many there are. When people express concerns about allowing two-families in R0 and R1 districts, he could point to the fact that such houses already exist.

Mr. Benson asked about the effect on non-conforming lots that do not have the required square footage or frontage, and whether there should be a carve-out saying that a two-family could not be built on a non-conforming lot.

Mr. Revilak said that the state's Executive Office for Housing and Livable Communities (EOHLC) has recently released a housing plan and a housing needs assessment. The bottom line of the needs assessment is that the population of Massachusetts will remain basically flat for the next ten years, if not decline slightly. Despite the population remaining flat, the assessment estimates that we will need 220,000 new homes over the next ten years. The state is experiencing an exodus of people age 25-45, who cannot afford to live here.

Mr. Revilak noted that the expectation with MBTA Communities was always that the change will be gradual, and only one application has been received in the last year, for an increase of two units. So he does not think that things are likely to significantly change in the next few years.

Mr. Levy said that a number of people have raised concerns about single-family homes turning into four-families, with two primary units and two ADUs on the same lot. He acknowledged that that could happen, but noted that if a development maximizes the square footage of the main building in order to allow for two units, it is unlikely that they will be able, within existing setbacks, to build two additional units on the property. This proposal creates more options, so that a homeowner could add a second primary unit or an ADU, but they are unlikely to add both.

The Chair opened the floor for public comment.

- Andrew Greenspon, 89 Palmer St – When he moved to Arlington, he did not care if he moved into a single-family, two-family, or something larger, as long as it was big enough for his family. He is in a duplex and loves it. Most single-family homes sell for \$2 million or more, while units in two-families are considerably lower. Much of the town has single-family zoning interspersed with two-family zoning, and it does not damage the character of the neighborhood. Only one permit for redevelopment under MBTA Communities has been granted thus far. We are losing population to states that are building significantly more housing. The 2030 census will redraw congressional maps, and Massachusetts will lose representation if we do not build more housing.
- Carole Springer, 29 Hawthorn Ave – She has been an Arlington resident for 40 years, in a two-family in East Arlington and now in a single-family in Arlington Heights. She loved her home and neighborhood in East Arlington, but she chose to move to a single-family neighborhood so that she could raise her children in a quieter area. There is no more room to build additional units in her neighborhood. A lot of the houses were 1,500 square-foot houses to start with; a lot of people have built huge additions. There are a lot of cars and cut-through traffic. She does not want more people and increased traffic in the neighborhood. She does not believe that building more two-families will result in lower prices – they will still be over a million dollars.

- Grant Cook, 16 Wollaston – He lives in a single-family zone on the edge of a two-family zone, and he does not believe that single-family neighborhoods are better for families or friendlier or otherwise better to live in. Allowing two-families to be built throughout residential zones is the way Arlington used to be. Units in two-family homes will not bring down prices, but it may keep them from increasing as much. Even if it has no effect on price, it will increase the total available housing, which is a social good.
- Carl Wagner, Edgehill Rd – In 2022, all knockdowns and rebuilds resulted in more expensive units, regardless of whether one or two units were built on the property. Allowing two-family housing everywhere does not increase affordability; it reduces green space and increases traffic and possibly taxes. Town Meeting has already made clear that they do not want this. Zoning has already changed to allow ADUs, which enables an increase in housing without eliminating single-family housing. One of the great things about Arlington is the diversity of housing stock. If this proposal passes, it will ultimately eliminate all single-family housing and thus reduce the housing options without affecting affordability.
- Vincent Baudoin, 70 Silk St – He hopes that Town Meeting will have the opportunity to debate and vote on this article. He appreciates Mr. Levy's explanation of why he has changed his mind, and he thinks many people in town have had similar experiences. Mr. Baudoin was part of the MBTA Communities Working Group, and they deliberately chose to locate it on and near the main corridors of town, because they felt larger multi-family housing was more appropriate in those locations. But this proposal addresses all areas of town, enabling increased housing everywhere, without damaging the familial character of the neighborhoods.
- Karen Gold, 18 Hawthorne Ave – This is a very complex issue. She was surprised to hear that the population of school-age children has decreased since 2019, because the schools are bursting at the seams. We need to carefully consider putting additional housing in areas where the schools are at or close to capacity.

The Chair closed public comment on Article 40.

Mr. Revilak noted that when a new building is built, it will always be more expensive than an older building. But it is worthwhile to give developers the option to build two units that cost \$1.25 million each versus a single unit that costs \$2.5 million. This proposal does not require people to build two units, but it gives them the option.

Mr. Benson said that when older houses are torn down, the new house that takes its place is usually built to the maximum possible size. Taking the largest footprint possible and splitting it into two will not result in a greater loss of green space than building very large single-family homes. The dimensional requirements will all remain the same, so the total building size will not be larger for two-family homes than for new single-family homes.

Ms. Korman-Houston agreed with Mr. Revilak and Mr. Benson. A lot of the houses on the market are being torn down and rebuilt larger. If something much larger will be built no matter what, the town should consider if it is appropriate to allow them to be two-families.

The Chair said that her biggest concern about this proposal is the limited amount of outreach. People who live in single-family districts need to know that this is being discussed.

Mr. Lau said that he would encourage Mr. Levy to create a model of likely growth based on this proposal over five years, ten years, and more. That would demonstrate that the growth is likely to be slow and not likely to lead to 500 new units in the first few years. Mr. Revilak created a similar model for the MBTA Communities process. The Chair agreed that being able to provide data and answer some of the questions around needs assessment, housing production, etc., will be very important for both the Board and Town Meeting.

The Chair closed discussion of Article 40.

## ARTICLE 43 – PUBLIC SHADE TREES

Susan Stamps, 39 Grafton St – This is a warrant article to make changes to the section of the bylaw passed in October 2023 that requires developers of large developments to plant a street tree every 25 feet in front of the project. Green Streets Arlington is interested in making a few changes, which they have reviewed with the Tree Warden, who has approved them. They would like to change the wording of Section 6.3.1 to clarify that heat islands

result from streets and buildings, and that it applies to projects all over town. Most of the other changes are to Section 6.3.4. The proposal adds a requirement that the Tree Warden approve the choice of tree for each project. There are many options, and only the Tree Warden or another certified arborist will know what is the right tree for the right place. The bylaw currently requires that street trees be either 10 feet tall or 2 inches in caliper. The proposal deletes the 10-foot option, because the caliper is more important than the height. The proposal also clarifies that the trees planted under this law should be large shade trees, which can grow to 25 feet at maturity. The proposal also updates the watering maintenance requirements to match guidelines from the USDA Forest Service Tree Owners' Manual or other standard that the Board sets. The current bylaw already requires three-year watering and maintenance, and it adds a requirement that the owner has to inspect the trees at least once a year and file a report with DPCD, to prevent the developer from planting the trees and then abandoning them. The current bylaw says that if there is no suitable location for trees on the tree strip or sidewalk, they can be required elsewhere on the property. This proposal changes that to say that trees must be required, within 20 feet of the street if possible, or elsewhere on the property if necessary, and only if it is not feasible to plant trees anywhere on the property will the developer be allowed to pay into the tree fund in lieu of planting trees.

Mr. Revilak asked if Ms. Stamps has spoken with DPCD staff about the reporting requirements. She said that tried to make the reporting requirement simple enough that developers would be more likely to do it, and also put them on notice that someone is paying attention.

Mr. Revilak noted that residents are allowed to request that a street tree be planted in front of their house. He asked if residents would be subject to the same three-year reporting requirement. Ms. Stamps said that the requirement would not apply to residents.

Mr. Benson suggested changing "25 feet in height" to "at least 25 feet in height." He also noted that at one point the proposal refers to watering by the installer, and in another place by the owner. He thinks it makes more sense to refer to the owner, given that the installer will leave as soon as the tree is installed.

Mr. Benson expressed concern about the reporting requirement. He thinks that people will not do it, and no one will make them do it, because DPCD cannot track all the trees. He is wary of putting requirements in the bylaw that will almost certainly not be enforced. He suggested that Ms. Stamps remove the reporting requirement, but that the Tree Committee periodically check trees planted under the bylaw.

Mr. Benson said that he does not like the proposed change to Section 6.3.4.E, because it takes away the Board's flexibility. In the current bylaw, if there is not a suitable place to plant trees in the tree strip or sidewalk, the Board has the flexibility to work with the developer to figure out the best option. By changing "may" to "shall," this proposal takes away that flexibility and mandates what the Board must do. He also noted that trees planted elsewhere on the property do not function as public shade trees as they are not near the right of way.

Ms. Korman-Houston asked if the requirement that the Tree Warden approve the choice of tree negates the necessity of the requirement that a tree be able to reach at least 25 feet. She also expressed concern about the reporting requirement. DPCD does not have the time or capacity to stay on top of it and follow up with people who do not report. She said that she agrees with Mr. Benson about the flexibility included in 6.3.4.E.

The Chair said that she does not agree with most of the changes.

- She does not understand why the Tree Warden has to approve each tree if the trees already have to be chosen from an approved list. She also thinks that the 25-foot requirement is unnecessary, because the approved list should only include trees that can grow that tall.
- The Board is not going to set standards for tree maintenance, so it does not make sense to refer to any standards they designate.
- She agrees with the other members of the Board about the reporting requirement, as it would overburden DPCD.
- She would also like Section 6.3.4.E kept as it currently is, as the Board regularly utilizes the flexibility currently in the bylaw.
- She is fine with the change to the USDA standard.

The Chair opened the floor for public comment.

- Alan Jones, 1 Lehigh St – If there is a requirement that the owner maintain the tree, and they hire a company to do so, he suggested putting the reporting requirement on the company, rather than the owner.

The Chair closed public comment on Article 43.

Mr. Revilak agreed with other Board members' concerns about the reporting requirement.

The Chair closed discussion of Article 43.

#### **ARTICLE 44 – AFFORDABLE HOUSING OVERLAY**

John Worden, 27 Jason Street, presented the article. The 2015 Master Plan said that the only additional housing that Arlington needs is affordable housing and senior housing, but very little has been done in either area. This article addresses the lack of affordable housing. Arlington is already the 11<sup>th</sup> densest community in the state, so we do not need to add more housing. This article arose from a reaction to the plan proposed by Sanjay Newton, which would allow much larger buildings to be built in the middle of neighborhoods. This article allows for affordable housing while preserving the built and natural environment so that the scale and nature of the neighborhoods does not change. He did not provide any proposed detail because an article like this requires complex changes in several different areas of the bylaw, which would require a significant level of technical assistance. He is hoping to engage the Board in a conversation about the best way to address affordable housing.

The Chair said that it is difficult to have a discussion about a warrant article hearing without a main motion. Mr. Worden said that what he is proposing is quite clear even without a main motion.

Mr. Benson said that his understanding is that because this is an overlay district, Mr. Worden would have had to send a certified mailing to all the properties to be changed, so this cannot reach Town Meeting without having met the notice requirement. The other affordable housing proposal is not progressing for the same reason.

Mr. Benson said that he thinks this proposal would make it less likely that affordable housing is built. Under the current bylaw, affordable housing can be built anywhere in the town, and it does not require that all mature trees or historical properties be maintained, as long as the appropriate process is followed. This proposal puts more impediments in the way of a developer. He said that he would like to discuss the issue further with Mr. Worden, but it will not happen for this Town Meeting.

Mr. Worden said that Ms. Ricker told him that he did not need to provide notice. Ms. Ricker said that she told him that a change to the use tables would not require notice, but an overlay and map change would.

Mr. Revilak said that he followed the development of Cambridge's affordable housing overlay. Affordable housing by its nature cannot pay for itself. It requires subsidies, which typically require at least 30 or 40 units. Smaller projects simply cannot access the financing necessary to build affordable housing. The other barrier to affordable housing is the permitting process. Simply adding affordable housing to a use table does not address the funding issues, clarify the permitting process, or allow the scope that these buildings need to be in order to be funded and financed. An affordable housing proposal needs to start with those elements.

Ms. Korman-Houston said that she appreciates Mr. Worden's desire to provide more affordable housing, but she thinks that his proposal would not achieve that result. Making no change to dimensional requirements would be very limiting.

The Chair said that it has been good to see multiple people interested in the concept of an affordable housing overlay. She thinks that there is space between this proposal and Mr. Newton's proposal to create an overlay that is effective and will work for Arlington.

Mr. Lau agreed with the rest of the Board. The Board would be willing to work with Mr. Worden in the future, but he does not think that this proposal will be effective.

Mr. Worden said that what he had in mind in creating this warrant article was pre-existing large residential buildings that lend themselves to division into smaller units, not new construction.

The Chair opened the floor for public comment.

- Wynelle Evans, 20 Orchard Place – She hopes that the Board will follow through on the offer to work with Mr. Worden. His proposal takes an aggressive approach that could result in smaller units, which is what is needed for the overlooked senior population. There are too few options for downsizing in Arlington.
- Carl Wagner, Edgehill Road – Mr. Worden probably has as much as experience as anyone else about what is good for the town. This article was a response to the other proposed affordable housing overlay, which is Article 41. Mr. Revilak is a proponent of Article 41, so he asked that Mr. Revilak's comments be struck from the record, or that at the very least he should not be allowed to vote on it. Arlington deserves a clear and transparent process, which is not happening.

The Chair replied that no conflicts of interest have been identified with any of the preparation for any of the articles for this Town Meeting.

The Chair closed public comment on Article 44.

The Chair closed discussion of Article 44.

The Chair explained that if the proponents wish to make changes to their articles prior to the Board's final vote on April 7, 2025, they must send their modified language to DPCD by Wednesday, April 2, at noon. The proponents will not have time to make a new presentation at that meeting, but the Board may ask them questions about any changes they have made in response to the comments offered by the Board.

The Chair asked for a motion to continue the public hearing for the warrant articles for 2025 Annual Town Meeting to March 24, 2025. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 3 – New Business.**

Ms. Ricker said that at the Board meeting on Monday March 10, 2025, the attorney representing the applicant for Docket 3798, the proposed project at 821 Mass Ave, asked for permission from the Board to move forward with demolition of the existing building known as the Atwood House. The Board's approval to demolish the building is condition 5 of the 2009 permit issued for Docket 3348, the CVS project. The Board agreed to vote on the issue at their meeting on March 24, 2025, citing concerns about the state of the building site post-demolition activities. However, on Tuesday March 11, 2025, in an email to the Director of DPCD, the Building Commissioner stated that he has ordered that the building be demolished immediately, given that it has become a serious health and safety risk to the public, and that unauthorized entry to the building has continued. The police are no longer responding to calls regarding the building, and while efforts to board up the building have been made, members of the public have consistently pulled down the boards and entered the house. The Building Commissioner's order supersedes condition 5 of the 2009 permit issued for Docket 3348. As part of the demolition activities, the building basement will be backfilled, which was a concern of the Board. Moreover, the Board may wish to add conditions to any future permit issued for Docket 3798 that address on-going site maintenance such as grading and grass seeding while waiting for development to occur.

The Chair said that 821 Mass Ave will still be on the Board's agenda on March 24, and they will address the issues of ongoing site maintenance.

The Chair asked for a motion to adjourn. Mr. Lau so moved, and Mr. Benson seconded. The Board voted and approved unanimously.

Meeting **Adjourned at 11:00 pm.**

#### **Documents used:**

Agenda Item 1      EDR memo Docket 3798 1323 Mass Ave - UPDATED 2025-03-13

Agenda Item 2      03172025 DPCD Memo to ARB - Articles 36,37,38,40,43,44  
Article 36 Presentation - No Net Loss for Local Business 2025-03-17 - Anderson  
Article 36 Petition - No Net Loss of Commercial Space for Business - Anderson  
Article 37 Presentation - Multi-Family Parking Reduction 2025-03-17 - Baudoin  
Article 37 Petition - Multi-Family Parking Reduction - Baudoin  
Article 38 Presentation - Business Uses in R Zones v2 2025-03-17 - Greenspon  
Article 38 Petition - Use Regulations for R Districts - Greenspon  
Article 40 Presentation - Two-Family Construction v2 2025-03-17 - Levy  
Article 40 Petition - Two Family by Right - Levy  
Article 43 Presentation - Public Shade Trees v21 2025-03-13 - Stamps  
Article 43 Petition - Public Shade Trees - Stamps  
Article 44 Petition - Affordable Housing Overlay - Worden

Agenda Item 3      03172025 Memo - Atwood House demolition

Correspondence	Article 25 - C. Loreti, 3/10/2025	Article 44 - Y. Ji, 3/16/2025
	Article 36 - T. Allen, 3/13/2025	Multiple Articles - C. Chalapatras, 3/17/2025
	Article 36 - B. Amidon, 3/17/2025	Multiple Articles - A. Chan Waiy, 3/16/2025
	Article 36 - J. Cullinane, 3/17/2025	Multiple Articles - K. Fanale, 3/17/2025
	Article 36 - C. Hurley, 3/14/2025	Multiple Articles - J. Fleming, 3/17/2025
	Article 36 - T. Stewart, 3/17/2025	Multiple Articles - C. Heigham, 3/16/2025
	Article 37 - R. Bergman, 3/17/2025	Multiple Articles - D. Krause, 3/16/2025
	Article 37 - P. McGuire, 3/17/2025	Multiple Articles - S. Maltz, 3/17/2025
	Article 37 - C. Wagner, 3/16/2025	Multiple Articles - M. Marx, 3/16/2025
	Article 38 - C. Wagner, 3/16/2025	Multiple Articles - M. Nathan, 3/17/2025
	Article 40 - E. Cahill, 3/17/2025	Multiple Articles - R. Peterson, 3/17/2025
	Article 40 - J. Cullinane, 3/16/2025	Multiple Articles - B. Pixton, 3/17/2025
	Article 40 - C. Springer, 3/16/2025	Multiple Articles - M. Popova, 3/17/2025
	Article 40 - C. Wagner, 3/16/2025	Multiple Articles - K. Samuelson, 3/17/2025
	Article 40 - A. Wang, 3/17/2025	Multiple Articles - C. Tollen, 3/17/2025

**Arlington Redevelopment Board**  
**Monday, March 24, 2025, at 7:30 PM**  
**Community Center, Main Hall**  
**27 Maple Street, Arlington, MA 02476**  
**Meeting Minutes**

This meeting was recorded by ACMI.

**PRESENT:** Rachel Zsemlery (Chair), Eugene Benson, Shaina Korman-Houston, Kin Lau, Stephen Revilak

**STAFF:** Claire Ricker, Director of Planning and Community Development; Sarah Suarez, Assistant Director of Planning and Community Development

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The Chair called the meeting of the Board to order.

The Chair opened with **Agenda Item 1 – Review Meeting Minutes.**

March 10, 2025, minutes – Mr. Lau made one change. The Chair requested a motion to approve the minutes as amended. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 2 – Public Hearing: Docket #3838, 15 Ryder St (continued from February 24, 2025).**

This is an application by Thomas Allen, ABC Beer Inc, doing business as Arlington Brewing Company. The Applicant proposes to construct an approximately 1,000-square foot addition and to renovate the interior of a two-story, vacant commercial building with off-street parking located at 15 Ryder Street, Arlington, MA, in the I Industrial District. The proposal would establish a single-story with mezzanine area, mixed-use building with a brewery, including a taproom, and an approximately 3,900-square foot restaurant. Additional materials have been submitted for consideration of this application, including an updated memo, updated dimensional parking information and site plan, updated vehicular traffic plan, elevations in color, lighting plan, rooftop equipment plan, signage plan, bicycle parking specifications, and an updated LEED checklist, as previously requested by the board.

The applicant was represented by attorney Mary Winstanley-O'Connor, business owner Tom Allen, and architect Dunja Vujinic. Ms. Winstanley-O'Connor said that they believe that all questions raised by the Board at the last meeting have been addressed in their updated memo. They have reduced the parking lot to 17 spaces, including 3 compact spaces. They have made an agreement with the landlord to allow for loading and unloading in the space to the rear of the building, outside the parking lot area. They have also provided updated information about delivery hours. She said that Mr. Allen also investigated parking supply and alternative parking arrangements. The Medford Brewing Company, which has a nearly identical seating capacity to what is proposed by the applicant, said that 60% of their customers walk to the establishment, and she said that is also likely true for the Heights Pub and the Town Tavern in East Arlington, neither of which has dedicated parking. Mr. Allen has identified approximately 90 street parking spaces along Mass Ave within a five-minute walk of the brewery, and he has talked with a number of area entities to obtain parking for employees, which is ongoing discussion. He will also promote alternative transportation. They have proposed new hours of operation for the tap room and the beer garden. The architect will discuss proposed changes to the exterior, including the lighting and the signage, and changes to the LEED checklist. They have also updated the landscaping plan to incorporate changes that the Conservation Commission requested.

Ms. Vujinic said that the site plan shows the changes in the parking, including eliminating 3 parking spots in the front yard, resulting in a total of 17 parking spaces, 3 of which are compact spaces. The plans also identify the EV-ready spaces and include an aisle that accesses the overhead door for easy access. They have changed the dogwoods in the front to cherry trees, and the maples will be changed to a native species. The vehicular plan shows that the loading zone will now be in the rear of the property. Delivery trucks will pull through the gate at the back of the parking lot, which will only be open during deliveries, unload, and then continue behind the property and exit via the Artemis driveway, so they will not need to back up onto Ryder Street. The rendered elevations show the colors of the building facades and designate



the requested eight feet of high-impact mesh to be installed. The elevations also show the area where they intend to have a mural, on the corner of Ryder Street and the façade facing the Artemis access road. They have also lowered the location of the light fixtures, and they have provided a photometric study. All the light fixtures meet the requirements of Dark Sky ready and the Town ordinances regarding lighting. They are all shielded, so they can be further tilted down. They have provided an updated roof plan, showing all the rooftop mechanical equipment. The skylight has been moved closer to the Artemis driveway. The kitchen exhaust fans were put as close to the back of the property as possible. She also said that they are proposing a 40-square-foot painted wall sign over the overhead door, on the façade facing the bikeway. A three-dimensional logo will be placed on the façade adjacent to the front door, and a window sign on the front will designate the hours of operation.

Mr. Benson noted that at the last meeting he mentioned the requirement in Section 6.1.11.F.(2) of the Zoning Bylaw that impervious parking lots in the Industrial District must utilize another method of reducing the heat effect, either by installing a highly reflective surface or adding shade to 50% of the surface. The new information provided by the applicant does not address this issue.

Mr. Benson said that he remains concerned about traffic, parking, noise, litter, and light pollution. He recently visited a business similar to the proposed brewery in California. It was in an industrial area near a residential area. It had no parking, and many patrons struggled to find parking. He is worried that even if a significant number of patrons arrive on foot or by bicycle, a lot of cars will still have to drive around looking for a place to park. The streets in the area are very narrow two-way streets, leading to the likelihood of accidents and traffic jams. Some people have proposed turning some of the area streets into one-way streets to control the flow of traffic, which he thinks would mitigate the traffic somewhat. If Ryder Street were made one-way, the drive lane could be narrowed, which would enable a sidewalk and possibly a bicycle lane. He noted that the 90 parking spaces on Mass Ave identified by Mr. Allen stretch for several blocks, which patrons might not see as convenient parking. He suggested that they include information on the brewery's website encouraging patrons to park on Mass Ave and not on Ryder Street or the other residential streets, possibly with a map showing where they can park. He also wants to make sure that they will be able to put up a sign saying that the parking lot is full and directing people to alternative parking, to prevent people from pulling into the narrow parking lot and then having to back out. He also noted that there is no street sign for Ryder Street at the intersection with Forest Street, potentially making it difficult for patrons to find if they are not familiar with the area. He would like to see the applicant and representatives from the neighborhood meet, possibly facilitated by the Director of DPCD, to see if they can resolve some of these issues. If the Town agrees to making the local streets one way, that will help with some of these issues.

Mr. Benson said that he appreciated that the applicant committed to having no live music in the beer garden after 8:00 pm, but he thinks that recorded music should be included. He would like the beer garden to close one hour after sunset, because that is a good way to mitigate both light and noise pollution, and that will vary by the time of year. He also noted that there may be a line of people waiting to get in at times, and he suggested that the brewery make sure the front door remains shut, so that the noise does not travel, and that they create a method to corral the line so that it wraps around the side of the building where the Artemis driveway is, so that people don't end up on Ryder Street, littering and making noise. He also suggested a decibel meter to monitor sound at the nearest receptor, with a limit of 60 or 65 decibels. The Town's bylaw places the decibel limit at 85 decibels, but he thinks that is too high, and the Board can lower that amount by special permit. He said that he would like to see a pollution prevention plan and a litter prevention plan.

Mr. Benson asked if the restaurant would be frying food, as that would require filtration on the exhaust.

Mr. Benson said that he does not like the proposal for a large sign on the side of the building facing the bikeway, which is not an entrance. One wall sign is permitted for each street or parking lot frontage. He would prefer to see a sign on the side that faces Forest Street, and a larger sign at the entrance on Ryder Street. The bylaw says that at least one sign must be located at the building entry.

Ms. Korman-Houston asked where the long-term bicycle parking would be located. Ms. Vujinic said that long-term bicycle parking will be to the right of the building, adjacent to the transformer. Ms. Korman-Houston noted that the plans indicate a bike lane and a sidewalk. She asked if they intend to designate those lanes in some way. Ms. Vujinic

replied that at this time, they do not; they are shown on the plans for information purposes only. Ms. Korman-Houston asked what the pedestrian walkway will be made of, and Ms. Vujinic replied that it will be the same as it is now.

Ms. Korman-Houston asked if they have considered installing any sort of barrier to screen the rooftop equipment. Ms. Vujinic said that all rooftop equipment will be within 10 feet of the edge of the roof so that it can be serviced safely, so a screen would be a barrier to service and make the building look taller. Ms. Korman-Houston said that she understands that screening can prevent noise pollution, so it might be useful to mitigate the sound of the rooftop equipment.

Ms. Korman-Houston asked if they have any ideas about a potential muralist. Mr. Allen said that they have been in touch with the Arlington Commission for Arts and Culture, which has a list of muralists they have worked with.

Mr. Lau noted that at the last meeting, he had asked that the light fixtures in the parking lot be moved down, but the new plans still show them being mounted relatively high on the building. Ms. Vujinic replied that the lights have been lowered as far down as possible to provide enough light to the parking lot, while not emitting light to the neighbors. Mr. Lau said that the light readings shown on the photometric study do not match what is shown in the lighting plan. Ms. Vujinic said that she will look at the photometric study. Mr. Lau requested that the lights along the building be pushed down, so the whole side of the building is not illuminated, and that bollard lights be added to the other side of the parking lot to increase safety. He also suggested lowering the sign, so that it can be illuminated without having lights all the way at the top of the building. Mr. Allen said that they are not trying to illuminate the whole side of the building, but based on the engineering of the lights, they have been moved as low as possible to still sufficiently light the parking lot. Mr. Lau reiterated that additional lighting could be added to the opposite side of the parking lot.

Mr. Lau said that he is okay with not having a screen on the roof. He said that mechanical equipment tends to be loud only when it is not maintained correctly.

Mr. Lau said that he thinks sound levels should be monitored only if it becomes a problem.

Mr. Benson said that it would be helpful to inform contractors that after their trucks drive through the parking lot and gate, unload or load behind the brewery, and proceed to the Artemis driveway, they will need to turn right to exit, because it is not always clear that the driveway is one-way.

The Chair opened the floor for public comment.

- Jim Hamilton, 138 Westminster Ave – He is a member of the WorkBar, which is located next to 15 Ryder Street. Everyone he has spoken to at the WorkBar is very much in favor of the brewery, as is he.
- Dave Tula, 259 Pleasant Street – He is a member of the Chamber of Commerce and a small business owner. He supports Arlington Brewing Company. Pleasant Street is the only truck route from I-93 to the western suburbs, so 18-wheelers speed down the street every day. He also lives near Route 2, where work is done every summer, starting early in the morning. The Town as a whole has many issues related to traffic, sidewalks, and safety. As Mr. Lau said in the last meeting, it's unfair to put those issues onto a single business owner. A vibrant business that supports the community is better for the community than a vacant building.
- Stephanie Hahn, 17 Beck Rd – As a resident of the neighborhood, she asked that the Board not move forward with this application. The increased noise pollution, traffic, and safety concerns will have a negative impact on the neighborhood. A comparison was made to Medford Brewing Company, but there are significant differences. Medford Brewing Company does not have a beer garden for up to 100 patrons; it has six to eight tables outside during the summer months. It also opens later during the week, at 3:00 pm, and closes earlier than the proposed Arlington Brewery hours of 10:00 pm on Friday and Saturday and 8:00 pm on Sunday. It is not located in a neighborhood with narrow private ways. While local businesses are valuable to the community, this location will do more harm than good to the neighborhood and the residents. If the brewery has 200 patrons, even if only 25% of them drive, there will be too many cars for the parking lot, and expecting them to park on Mass Ave is not realistic. The beer gardens run by Arlington Brewing Company at the Jason Russell House were only open until 6:00, and the ones at the Reservoir were only open until 8:00 or 9:00 pm. She asked if the brewery has conducted any noise studies or traffic studies.
- Jim Foster – 4 Belknap Street – He is a small business owner in Arlington. He supports the brewery and what they will bring to the community. New projects are being built under the MBTA Communities Act, and no

parking is required for projects with 80+ units. His business surveys existing buildings for renovation and reuse, and he appreciates the fact that an industrial space is being renovated for this kind of use, because usually older buildings get turned into housing, and not spaces that can be a vibrant part of community life.

- Nicole Weber, 14 Ryder Street – She lives across the street from the proposed brewery. She appreciates that the proposal eliminates parking in front of the building. She would like to see the sidewalk painted to be clearly a pedestrian way. She thinks that they need more bicycle parking spots, and maybe a discount for people arriving on bicycles. She wondered why all the traffic cannot follow the route the trucks will use, because it will be difficult to back out of the parking lot. Making sure that the queues wrap around the front and don't go across the street is important. There also needs to be a baseline noise assessment.
- Anne LeRoyer, 12 Peirce Street – She lives in the neighborhood and is familiar with the traffic patterns. Her major concern with the proposal is parking and traffic. The streets are narrow and confusing, and patrons unfamiliar with the neighborhood may not be able to figure out where to go. Patrons are unlikely to drive out of the neighborhood to park on Mass Ave. She thinks bringing different stakeholders together to discuss options is a good idea. The upcoming work on Mass Ave and Appleton will also have a significant impact on the neighborhood.
- Alex Tee, 2 Ryder Street – This proposal is a commercial use dropped into the middle of one of the densest residential neighborhoods in Arlington, a neighborhood that already struggles with a lack of basic infrastructure due to it being a collection of private ways. Existing bylaws and regulations cannot anticipate everything that might happen, but the plan as proposed demonstrates no particular attention paid to the valid needs of the residents. Moving ahead without accountability mechanisms in place exploits residents. If the applicant is certain that the rights and welfare of abutters will be protected, they should be willing to accept a provisional approval that ties their right to operate to the performance criteria such as noise, parking, and traffic. Is the applicant willing to reduce occupancy if 17 parking spaces is not sufficient? Is the applicant willing to reduce the hours of operation if noise cannot be controlled to reasonable levels? Is the applicant willing to give up their license temporarily if someone is hurt by an impaired driver? This could be a beautiful thing for the community, but everyone needs to work together to make that happen.
- Jeremy Jo, 35 Forest Street – He can see the building from his kitchen window. He has known Mr. Allen for many years, and he thinks that he is trying to do a good thing for the community. He has two young children, and they walk in the neighborhood, which already has a lot of traffic. He hopes that the visibility of the brewery and the attention that it provides enables the neighborhood to address safety issues. He thinks that the value of what the brewery can bring to the neighborhood will outweigh what the concerns of neighbors. Those concerns should be taken seriously, but he thinks that overall, the brewery will be a net positive.
- Tom Davison, 64 Stowecroft Road – He is a member of the Arlington Committee on Tourism and Economic Development. He is happy to hear that after many attempts to get a brewery in Arlington, this project is moving forward, especially since it is run by someone local. The beer gardens that the Arlington Brewing Company has held have shown that these are family destinations, to which many people walk and bike. Having the brewery along the bike path is a wonderful location for this project. It could bring a lot of visibility to Arlington and have long-term benefits for the community.

The Chair closed public comment on Docket 3838.

John Alessi, Senior Transportation Planner, provided a memo to the Board considering traffic issues, which Ms. Ricker summarized. He noted that Ryder Street is a private way, meaning that all maintenance and improvements are the responsibility of property owners. The Town is not legally permitted to make improvements to a private way using public funds. He also noted that the brewery will benefit from its proximity to the Minuteman Bikeway, allowing more potential customers to arrive on foot or by bike. The 22 short-term bicycle spaces at the front of the building should provide ample space for those travelling by bicycle. The application includes as many vehicle parking spaces as possible given the limitations of the site. Although it will have fewer parking spaces than many businesses, the proximity to the bikeway should offset parking demand. He recommended that the brewery provide temporary signage to indicate when the lot is full. Having delivery trucks exit via the Artemis driveway is an important improvement over the original application because they will no longer need to back up onto Ryder Street. As a private way, residents of Ryder Street have the right to create and enforce their own parking regulations, so he recommended that the brewery work with the neighbors to create consistent parking regulations such as signs saying "Resident Parking Only." He also recommended

that the brewery and residents of the neighborhood use the Town's Betterment Process to make improvements to Ryder Street, which the property owners would have to pay for themselves.

The Chair said that she thinks that this proposal is an improvement for the existing building and the neighborhood. She returned to Mr. Benson's request for a litter prevention plan. The Board has not required such a plan for other businesses, so she does not think it is reasonable to require it of the applicant for this project. She also said that she appreciates the applicant's willingness to limit the hours for music in the beer garden. At the last meeting, the Board suggested limiting the beer garden to acoustic, non-amplified music. She thinks such a requirement would be more appropriate than imposing a lower decibel limit than the bylaw requires.

Mr. Benson said that he supports the idea of a brewery, but there needs to be more mitigation. He also noted that a brewery is different from other businesses, because the bylaw specifically addresses the potential of taprooms to disturb residential neighborhoods, which it does not do for any other type of business. He also noted that the special permit decision criteria include that the use will not create undue traffic congestion or unduly impair pedestrian safety, or be detrimental to health and welfare. Both noise and litter are health and welfare issues. A litter prevention plan could be as simple as the applicant putting trash barrels in front and committing to collecting litter periodically.

Mr. Benson said that he appreciates the applicant's offer to end the live music at 8:00 pm, but he wants to make sure that recorded as well as live music is included. He also noted that the latest version of the application said that there may be special occasions when they are open later than regular hours, but it was not clear if 11:00 pm was the latest they would ever be open, or if they would expect to remain open later on specific occasions. Mr. Allen replied that it is difficult to predict how late special events like major sporting events will go, and they will rely on such events to bring in revenue. They will have normal hours of operations, but at times it will be later, and they cannot at this time predict how late that might be.

Mr. Benson said that he thinks this project can work with more mitigation, especially if the Town is willing to be a partner in the process. Ryder Street is a private way, but most of the abutters do not own it; it is mostly owned by the owners of the property on the east side of the street, where the brewery will be and where the DPW yard is. He would like the Town, the property owner, the business owner, and representatives of the neighborhood to meet and discuss ideas like changing the traffic pattern to one-way streets. The Town can make the roads one-way even if they don't own the road. Mr. Lau agreed, and he noted that the Town does own the section of the street in front of the DPW yard so would need to partially pay for repaving. Mr. Benson said that he is not trying to get the street repaved at this point, but if Ryder Street becomes one-way, the drive lane can be narrowed, and more space can be created for sidewalks and bike lanes.

The Chair said that she appreciates the recommendations made by Mr. Alessi. She would be willing to include a condition that the process of working toward the near-term goals of his recommendations begin now. But requiring that the long-term process be completed now, before issuing the special permit, would be a detriment to the applicant's business. Mr. Benson said that he only wants to require one meeting for the various parties to try to come to agreement.

Mr. Revilak said he took a tour of the neighborhood with some of the neighbors. They started at Forest and Ryder Streets, which has a shallow turn radius. It could benefit from traffic calming measures, but that is under the jurisdiction of the Select Board. He would encourage the neighbors to make a traffic request to the Select Board. The next stop on the tour was the speed table at the end of the Artemis's driveway, which was installed as one of the conditions of the comprehensive permit for the Artemis. It is a very shallow speed table, so it does not significantly slow speeds, but again, the Board does not have jurisdiction over that issue. There is a malfunctioning street light above the Artemis driveway on Ryder, and he would encourage the neighbors to use the Town's Request/Answer website to put in a request for that to be repaired. A landscaping company uses the far end of Ryder as a truck wash, which is problematic, but not within the Board's jurisdiction. There have been concerns about sightlines being blocked by large concrete blocks at the DPW yard, which could also be addressed through the Town's Request/Answer website.

Mr. Revilak said that he likes the large sign facing the bikeway; he thinks that will be effective in helping potential patrons to get there on foot or by bike.

Mr. Revilak is skeptical that making Ryder and Beck one-way streets will be effective.

Mr. Revilak is sympathetic to many of the concerns brought up by the neighbors, but they cross jurisdictional boundaries, and many of them are not things that the Board can address.

Ms. Korman-Houston said that there are valid concerns about this site, but they are not necessarily concerns that the Town or the applicant are able to address. She agreed with the Chair that it is not appropriate to require additional plans or add other requirements to this particular project. She also disagreed with Mr. Benson's suggestion that the beer garden be closed one hour after sunset, given that for much of the year, that would be very early. She agreed that the applicant should be very clear on the website and in other locations about specific parking options. She also liked the large sign on the side of building facing the bikeway and thinks that it will help encourage people to go to the brewery without using cars.

Mr. Lau suggested a complete parking ban on Ryder Street during the day, and particularly when children are walking to and from Ottoson Middle School.

The Chair summarized issues raised by the Board:

- parking lot heat mitigation as required by Section 6.1.11.F.(2),
- specific Information provided on the website about alternative parking locations not Ryder or Beck Streets,
- moving the parking lot lights down on the building and adding bollard lights on the opposite side of the parking lot,
- a meeting with the property owner, the business owner, the neighbors, and the Town to create a betterment plan for parking and traffic in the immediate vicinity,
- crowd management to corral people waiting in line so that they do not cause problems for the neighborhood, and
- the addition of an A-frame sign indicating when the parking lot is full.

The Chair agreed with Mr. Revilak about the size of the sign facing the bikeway. Since they have indicated a willingness to add a mural on the side facing Forest Street, she does not think they need to add a sign on that side as well. Mr. Lau agreed with the Chair about the signs, as long as the parking lot lights attached to the building are moved down. He does not want the sign to be illuminated, because it will light up the whole side of the building at night. Ms. Korman-Houston said that she does not have a problem with the lights specifically to illuminate the sign. She thinks that having the side of the building be completely dark is not ideal, especially since this is a business that people will be coming to in the evening. The Chair suggested that the applicant install two gooseneck lights to illuminate the sign and move the other lights on the side of the building lower. Ms. Winstanley-O'Connor noted that the applicant wants the sign to be visible not only from the bikeway, but also from the Ed Burns Arena. They do not want the sign to be completely dark at night.

Mr. Allen said that they will implement crowd management strategies to direct queues away from the neighborhood. There will probably be some trial and error in figuring out the best way to handle that.

The Chair asked for clarification about employee parking. Mr. Allen said that they would require their employees to use alternative parking that is not in the parking lot or on Ryder or Beck Streets. He asked the Board to grant an exception for employees with disabilities, and the Chair agreed.

Mr. Revilak suggested requiring all outdoor music to end by 8:00 pm, not only live music.

The Chair summarized the findings that the Board would make in a special permit:

- The Board would find that the pre-existing, noncompliant use of loading in the side yard is acceptable for providing loading and delivery access at the rear of the building.
- The Board would find that up to 20% of the parking spaces in the lot, or a total of three spaces, may be sized for compact cars per Section 6.1.11.C.(11).
- The Board would find that the signage, including the mural, which must be submitted for Administrative Approval, be approved.
- The Board would find that the project is consistent with Environmental Design Review and special permit requirements.

The Chair requested a motion to approve the application with the findings associated, and with the additional special conditions that the applicant meet the parking area requirements in Section 6.1.11.F.(2), subject to administrative approval; that the applicant move all building lights on the façade facing the parking lot lower on the building and add bollard lights on the far side of the parking lot and submit an updated lighting plan including any proposed gooseneck lighting, for administrative approval; that queuing shall be away from the residents; that the applicant place an A-frame sign indicating that the parking lot is full when needed; that the employees of the business shall not park on Ryder or Beck Streets or in the business's parking lot unless required due to employee need; that outdoor music shall end at 8:00 pm; that the business owner, the residents, and the Town shall meet to create a betterment plan for traffic and parking in the neighborhood; and that the applicant clearly identify on their website and within their establishment where customers should park. Mr. Lau so moved, Mr. Revilak seconded, and the Board voted in favor 4-1. Mr. Benson voted no and explained that he did so not because he thinks that the brewery should not be built at all, but because he does not think the Board has done enough to mitigate the issues raised by the neighbors.

The Chair moved to **Agenda Item 3 – Public Hearing: Docket #3348, 821-837 Massachusetts Ave (continued from March 10, 2025).**

Ms. Ricker explained at the previous hearing, the Board agreed to hold a vote on whether 821 Mass Ave could be demolished at this meeting. However, since that date, the Building Commissioner exercised his authority with respect to public safety and ordered the immediate demolition of 821 Mass Ave as the risk to public safety had increased to unacceptable levels. His orders supersede any restrictions previously placed on the property, including decisions made by the Board. The hearing is still open, but the building has already been taken down. Her understanding is that the hole will be backfilled, and the Building Commissioner recommended that the Board set appropriate conditions regarding the site.

Ms. Winstanley-O'Connor said that at the last meeting, the Board requested that if the building was demolished, the site be graded and reseeded. She confirmed that the owner has agreed to do so.

The Chair said that the Board needs to discuss modifications to the original special permit, specifically with respect to condition five, which covers demolition.

The Chair opened the floor for public comment.

- Susan Stamps, 39 Grafton Street – She had a question about the planting of street trees on the site. The Chair clarified that this hearing is only regarding the demolition of the building and the amendment to the special permit issued in 2009.
- Peter Bloom, Jason Terrace – He noted that at the meeting on March 17, the explanation for why the building would be demolished included the fact that there was a consistent effort to board up the windows, but they kept being taken down. He noticed broken windows last October and brought it to the attention of various Town departments, but no boards were ever put up. He is disappointed at how this process took place.

The Chair closed public comment on Docket 3348.

The Chair said that she is also disappointed with the lack of maintenance of this building, and the fact that the building became such a public safety hazard that the Building Commissioner felt it had to be demolished.

The Chair asked for a motion to modify special condition 5 in the 2009 Special Permit for Docket 3348, to say that the Board was informed by the Director of Inspectional Services on March 20, 2025, that due to safety concerns, his office had ordered the demolition of 821 Mass Ave, and to require that upon demolition of the house, the applicant shall backfill, grade, and seed the building footprint. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair asked for a motion to continue Docket 3348 to April 14, 2025. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 4 – Public Hearing: Warrant Articles for 2025 Annual Town Meeting.**

The Chair re-opened the warrant article hearing continued from March 17, 2025.

## ARTICLE 32 – REZONE B1 PARCELS

Ms. Ricker explained that the purpose of Articles 32 was to rezone B1 parcels as B2A. The B1 District is used inconsistently throughout Arlington and describes a use case that is overly restrictive and is no longer aligned with the needs of the community and development priorities in the Town. DPCD has identified 111 parcels that are currently zoned B1 Business Neighborhood. B1 parcels represent 22% of Arlington's Business Districts. Staff recommend that B1 parcels be rezoned as B2A, which would allow for taller height and increased floor area ratio, providing greater flexibility for property owners seeking to redevelop their property especially for mixed use, which mirrors the B1 zone in its combination of residential and commercial development.

Mr. Benson and Mr. Revilak suggested several changes to how this article will be presented in the Board Report.

The Chair said that the Board members have visited all the sites currently zoned B1. All B1 property owners and abutters have been notified. The Board now needs to discuss if they think any of the B1 properties should not be rezoned.

Mr. Lau said that he does not think any parcels should be removed from the list to be rezoned. Property owners will still make decisions based on what will work in their specific location, so there is no need to keep any of the smaller parcels zoned B1.

Ms. Korman-Houston had some reservations about rezoning 1145 Mass Ave based on the small size of the parcel and the fact that it is surrounded by parcels zoned Industrial.

Mr. Benson said that he would prefer to remove the parcels on Swan Street. They are all residential, and it is a very small dead-end street. He said that the parameters allowed in the B2A district would be too big for those properties. He is not sure about 22 Pleasant Street, 40 Pleasant Street and 42 Pleasant Street.

Mr. Revilak said that he would prefer to keep the parcels on Swan Street on the list. They are currently condos and apartments, but they are right between a B5 District and a large apartment building in an R6 district. If at some point any of those properties were redeveloped, B2A would fit well there. The Chair agreed.

The Chair said she had questions about the parcels at 7-9 Palmer Street, 355 Mass Ave, 358 Mass Ave, 360 Mass Ave, and 361 Mass Ave. They are sandwiched between two B2 districts. She also had questions about the parcels adjacent to the church at the corner of Linwood St and Mass Ave, 286-298 Mass Ave and 305 Mass Ave. There is a natural change in the rhythm there in terms of the size and scale of the parcels. Mr. Lau said that unless a property owner had control over the entire block, it's unlikely that they would be redeveloped into larger properties. Removing them from the list is a form of spot-zoning, and the Board should create the opportunity for development even if it's many years in the future.

The Chair opened the floor for public comment.

- Paul Kent, 64 Hillside Ave, owner of 9 Court Street – He wants 9 Court Street to be included in the list of parcels to be rezoned as B2A.
- Devon Brackbill – He thinks it would make sense to rezone the B1 properties along Mass Ave as B2A, but the properties not on Mass Ave should remain zoned B1, particularly those on Central and Court Streets. Those properties provide a buffer between commercial areas on Mass Ave and the residential districts behind them.

The Chair closed public comment on Article 32.

The Chair said that rezoning B1 properties that are not on Mass Ave would create opportunities for redevelopment by combining them with parcels on Mass Ave to create larger parcels.

Mr. Revilak said that he is in favor of including the B1 parcels on Central and Court Streets, partly because of the opportunity for parcel aggregation, but also because they are in Arlington Center, and he thinks that the business districts are too narrow and do not go far enough down the side streets. Arlington Center is an appropriate place to do that.

Mr. Benson said that he is also in favor of including the B1 parcels on Central and Court Streets, because B2A zoning is not incompatible with being near residential zones, and there are protections in the bylaw requiring buildings built in business zones that abut residential zones to meet certain requirements.

The Chair closed discussion of Article 32.

### **ARTICLE 33 – ZONING MAP ADOPTION FOR B1 REZONING**

Ms. Ricker explained that this article is pursuant to Article 32. Town Meeting must vote to approve and adopt the changes to the Zoning Map that are required to meet the terms of Article 32.

Mr. Lau suggested that when this article is presented to Town Meeting, it should include photographs, including an aerial view. The Board has had the opportunity to visit all these sites, but Town Meeting members should also understand what they are voting for based on being able to picture the sites involved. The maps and parcel list provide enough information. Due to time constraints, the Chair suggested providing a few sample photos rather than photos of every site.

The Chair opened the floor for public comment.

- Bob Radochia, 45 Columbia Road – If he were a Town Meeting Member, he would want to see a GIS map highlighting the parcels proposed to be rezoned.
- Peter Bloom, Jason Terrace – It is difficult to interpret what this change would mean for the immediate neighbors of these properties. Most people will not know what is changing or what its impact will be. He is concerned about being surprised by what is allowed to be built if these properties are rezoned. He encouraged the Board to make multiple and varied efforts to make sure that this is communicated to the public and that the potential impact of the changes is clear.

The Chair closed public comment on Article 33.

The Chair said that GIS maps would be included with the materials provided to Town Meeting members. The Board will also try to include street view photos in addition to the GIS maps in the materials. She also noted that because this is a map change, all property owners and abutters have received notice of the potential change.

Mr. Revilak noted that the definition of the B2A district in the bylaw says, “customers generally arrive by car, so the Town wants to ensure that ample parking is available to serve the retailer.” He does not think that description applies to all the parcels being rezoned. He would like to delete that sentence. Mr. Benson said the purpose of this warrant article is to rezone the B1 parcels, not to change the definition, which they have not previously discussed. It is probably already not true that most customers for all businesses in B2A properties arrive by car. But there is ample parking for all of B2A, either in parking lots or Mass Ave. He would prefer not to change the definition at this point. Mr. Revilak said that he does not want the bylaw encourage automobile traffic. Ms. Korman-Houston said that she agrees with Mr. Revilak but she does not feel strongly about it. Mr. Lau said that he would prefer not to change the definition, although it could be amended to include the word “may.” Mr. Revilak said that in a future permitting process, a business in the B2A district might insist on being allowed to include a lot of parking because of the definition in the bylaw. The Chair noted that the B2A district is mostly not in the main business districts, but in the areas between them, so they are likely to be served largely by car.

The Chair closed discussion of Article 33.

### **ARTICLE 34 – ADMINISTRATIVE CORRECTION**

Ms. Ricker explained that since May 14, 2021, which is the last Zoning Map date mentioned in the bylaw, Town Meeting has adopted two map changes, including Article 3 of the 2024 Special Town Meeting that established the location of the Multi-Family Housing Overlay Districts, and Article 31 of the 2024 Annual Town Meeting to rezone the parcel at 5-7 Winter Street to be included in the Neighborhood Multi-Family Housing Overlay District. Those changes were both approved by the Attorney General on December 15, 2024, which is now the date of the current Zoning Map. So Section 4.2 of the bylaw needs to be amended to update the date of the Zoning Map.



Mr. Benson asked if the date of the Zoning Map needs to be included in the bylaw at all, or if it could just refer to the Zoning Map on file with the Town Clerk and DPCD, to avoid having to update the map and date every time Town Meeting approves a map change. Ms. Ricker said that she would follow up with Town Counsel about removing the date entirely.

The Chair opened the floor for public comment. Seeing no one who wished to speak, the Chair closed public comment on Article 34.

The Chair closed discussion of Article 34.

#### **ARTICLE 35 – ZONING MAP ADOPTION FOR ADMINISTRATIVE CORRECTION**

Ms. Ricker explained that Article 35 proposes to accept the version of the Zoning Map dated December 15, 2024. But if Article 34 is modified so that it does not include the date, Article 35 is unnecessary, and the Board can vote No Action.

The Chair opened the floor for public comment. Seeing no one who wished to speak, the Chair closed public comment on Article 35.

The Chair closed discussion of Article 35.

#### **ARTICLE 39 – AMENDING THE ZONING BYLAW TO ADD 17 PALMER STREET TO THE MBTA NEIGHBORHOOD DISTRICT**

Ms. Ricker explained that this article is a citizen petition from John Heraty, the owner of 17 Palmer Street, to add his property to the Neighborhood Multi-Family (NMF) Overlay District. This parcel abuts the NMF District. DPCD staff see no issues with rezoning this property.

Mr. Revilak said that when the Board originally drew the boundaries of the NMF, they were trying to maintain continuity of distance from Mass Ave and Broadway and make the district contiguous. There was no discussion of any particular reason to leave 17 Palmer Street out. The property is contiguous with the NMF District.

The Board members saw no issues with this article.

The Chair opened the floor for public comment. Seeing no one who wished to speak, she closed public comment on Article 39.

Mr. Lau noted said that he agrees with including this parcel in the NMF, but he is concerned that they are setting a precedent by which any property owner can go to the Board and ask to have their property included. Mr. Revilak said that he is okay with continuing to add properties to the Multi-Family Housing Overlay Districts, as long as the property is contiguous with the existing district and the Board has a chance to review and discuss each proposal. Mr. Benson agreed and noted that property owners have always been allowed to petition the Board to rezone their property, so this is not changing the precedent.

Ms. Korman-Houston asked Mr. Heraty if he has spoken to his neighbors, particularly the owner of 21 Palmer Street, which will be the last property on that side of Palmer Street not in the NMF. Mr. Heraty said that he has spoken to all his neighbors, who were all supportive.

The Chair closed discussion of Article 39.

#### **ARTICLE 41 – AFFORDABLE HOUSING OVERLAY DISTRICT**

Ms. Ricker said that this article has been withdrawn by the proponents. Legally, a warrant article cannot be withdrawn after the warrant has been published. The Board may decide to vote No Action on the article. The proponents have not submitted main motion language, and this article has not met the notification requirements.

The Chair opened the floor for public comment. Seeing no one who wished to speak, she closed public comment on Article 41.

The Board had no further comments, so the Chair closed discussion of Article 41.

## **ARTICLE 42 – AMENDMENT OF ZONING MAP TO INCLUDE AFFORDABLE HOUSING OVERLAY DISTRICT**

Ms. Ricker explained that this warrant article is associated with Article 41. It is the required map amendment to accompany the bylaw amendment proposed in Article 41. The proponents have also requested that it be withdrawn.

The Chair opened the floor for public comment. Seeing no one who wished to speak, the Chair closed public comment on Article 42.

The Board had no further comments, so the Chair closed discussion of Article 42.

The Chair asked for a motion to close public comment and continue the public hearing for the warrant articles for 2025 Town Meeting to April 7, 2025. Mr. Lau so moved, Mr. Benson seconded, and the board voted unanimously in favor.

## **The Chair moved to Agenda Item 5 – Open Forum.**

The Chair opened the floor:

- Susan Stamps, Grafton Street – She noted that the project at 821 Mass Ave will be the first project required under Section 6.3 to plant street trees every 25 feet. The sidewalk in front of the CVS and 821 Mass Ave does not have tree wells. The applicant is required to plant and maintain the trees, but the sidewalk where they will be planted is public property. She asked what the process would be for creating tree wells.

Ms. Ricker said that she has spoken with Michael Rademacher, the Director of Public Works, about the process for a project requiring street trees. He said that the developer is required to cut the cement in a manner that is acceptable to DPW and create tree wells. DPW has standards that the developer must follow, and the contract must be bond-insured.

Seeing no one else who wished to speak, the Chair closed open forum.

## **The Chair moved to Agenda Item 6 – New Business.**

Mr. Revilak said that the City of Cambridge is undertaking a project called Massachusetts Avenue Planning Study (MAPS). The area affected will go from Cambridge Common to Alewife Brook Parkway. The final report is due next month. What has been shared so far indicates that they intend to allow bigger, transit-oriented development at Porter Square, with buildings of 12 to 18 stories. The rest of Mass Ave will likely allow buildings of 8 to 11 stories and then taper down a little at the end. They plan to emphasize certain nodes for ground floor active uses, because they don't think they can realistically get retail along the entirety of Mass Ave. The plan includes more trees and wider sidewalks.

Mr. Benson noted that the developer of 882 Mass Ave was supposed to provide the Board with a lighting plan and increase the transparency along the windows. In addition, the fitness studio they've installed required a special permit, but they have not sought one. Ms. Ricker said that she has no update about the project, but the developer is aware of what is required. She has spoken to Michael Ciampa, Director of Inspectional Services, about the fitness studio and a golf center. The Chair noted that the Board does not have any recourse when developers do not adhere to the conditions the Board has given them other than contacting Inspectional Services. Mr. Revilak noted that a previous business at 10 Sunnyside Ave was opened without a special permit, and their Certificate of Occupancy was revoked. They were required to go before the Zoning Board of Appeals to seek a special permit, which was not granted. Mr. Benson suggested that if Mr. Ciampa does not have any success in getting compliance from 882 Mass Ave by the end of Town Meeting, the Board should reopen the special permit. Mr. Lau said that he thinks it is a physical therapy center rather than a fitness center, which is why they want to reduce transparency. The Chair noted that they would still need to come before the Board and request relief of the transparency requirement, and the Board would not allow the extremely dark material that is currently in place. Mr. Benson requested that this issue be added to the agenda for June 16, 2025.

The Chair asked for a motion to adjourn. Mr. Lau so moved, and Mr. Benson seconded. The Board voted and approved unanimously.

Meeting **Adjourned at 10:50 pm.**

**Documents used:**

- Agenda Item 1      Draft meeting minutes – March 10, 2025
- Agenda Item 2      03202025 UPDATED EDR memo - Docket 3838 15 Ryder St  
ABC Beer Inc - 15 Ryder St Updated Narrative  
ABC Beer Inc - 15 Ryder St Updated Plans  
ABC Beer Inc - 15 Ryder St Updated LEED Checklist  
ABC Beer Inc - 15 Ryder St bicycle storage  
2025-03-24 Arlington Brewing Company Transportation Review
- Agenda Item 3      821 Mass Ave Memo from Inspectional Services  
Decision Docket 3348 833 Mass Ave - 04-13-2009  
Decision Docket 3348 Reopen 833 Mass Ave - 11-04-2019
- Agenda Item 4      03242025 DPCD Memo to ARB Articles 32,33,34,35,39,41,42  
Article 39 Petition - 17 Palmer MBTA Neighborhood District - Heraty
- Correspondence    15 Ryder Street:
- P. Selker, 2/24/2025
  - K. Azar, 3/9/2025
  - N. Desphande, 3/13/2025
  - E. Luong, 3/13/2025
  - A. LeRoy, 3/19/2025
  - M. Contreras, 3/21/2025
  - W. Evans, 3/21/2025
  - A. Tee, 3/21/2025
  - D. Tee, 3/21/2025
- A. Anway, 3/24/2025
  - R. Dunham, 3/24/2025
  - R. Hargrove, 3/24/2025
  - L. Hennelly, 3/24/2025
  - C. Ladd, 3/24/2025
  - J. Tee, 3/24/2025
- Warrant Articles:
- Article 32 - P. Kent, 3/14/2025
  - Article 32 - P. Seltzer, 3/20/2025



## **Town of Arlington, Massachusetts**

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### **Public Hearing: Warrant Articles for 2025 Annual Town Meeting**

#### **Summary:**

7:35 pm

The Board will deliberate and vote on the following proposed zoning amendments to the Zoning Bylaws.

#### **ARTICLE 25**

##### **ZONING BYLAW AMENDMENT / ACCESSORY DWELLING UNITS**

To see if the Town will vote to amend Section 2: Definitions, Section 5.4.2.B.(6) Large Additions, Section 5.4.2.B.(7) Garages, Section 5.10.2 Accessory Dwelling Units, and Section 6.1.4 Parking, of the Zoning Bylaw, to revise the requirements for permitting accessory dwelling units as-of-right or by special permit; or take any action related thereto.

#### **ARTICLE 26**

##### **ZONING BYLAW AMENDMENT / TRANSPORTATION DEMAND MANAGEMENT PLAN**

To see if the Town will vote to amend Section 6.1.5 Parking Reductions in Business, Industrial, and Multi-Family Residential Zones, of the Zoning Bylaw, to adjust the requirements for Transportation Demand Management plans and methods; or take any action related thereto.

#### **ARTICLE 27**

##### **ZONING BYLAW AMENDMENT / DELETE INLAND WETLAND OVERLAY DISTRICT**

To see if the Town will vote to delete Sections 4.1.2(2) and 5.8, Inland Wetland District, of the Zoning Bylaw, and adjust the numbering of subsequent sections; or take any action related thereto.

#### **ARTICLE 28**

##### **ZONING BYLAW AMENDMENT / DEFINITION OF LOT COVERAGE**

To see if the Town will vote to amend Section 2: Definitions, of the Zoning Bylaw, to add a new definition, Lot Coverage; or take any action related thereto.

#### **ARTICLE 29**

##### **ZONING BYLAW AMENDMENT / PARKING IN RESIDENTIAL DISTRICTS**

To see if the Town will vote to amend Section 6.1.10.A of the Zoning Bylaw, to amend and clarify standards for the location of parking in Residential districts; or take any action related thereto.

#### **ARTICLE 30**

##### **ZONING BYLAW AMENDMENT / SCREENING AND BUFFER REQUIREMENTS**

To see if the Town will vote to remove duplicate material by combining Section 5.3.7 and 5.3.21 of the Zoning Bylaw into Section 5.3.7 and thus deleting Section 5.3.21, revise Section 5.3.7 for clarity, move a subsection to Section 5.3.13, and amend a reference in Section 5.6.2; or take any action related thereto.

#### **ARTICLE 31**

##### **ZONING BYLAW AMENDMENT / REDEVELOPMENT BOARD JURISDICTION**

To see if the Town will vote to amend Section 3.4.2 of the Zoning Bylaw, to revise the special permit and environmental design review applicability for certain properties abutting the Minuteman Bikeway; or take any action related thereto.

#### **ARTICLE 32**

##### **ZONING BYLAW AMENDMENT / REZONE B1 PARCELS**

To see if the Town will vote to amend Section 5.5 Business Districts, of the Zoning Bylaw, to

rezone certain parcels in the B1 Neighborhood Office Business District to B2A Major Business District; or take any action related thereto.

**ARTICLE 33**

**ZONING BYLAW AMENDMENT / ZONING MAP ADOPTION FOR B1 REZONING**

To see if the Town will vote to adopt changes to the Zoning Map that would rezone certain parcels in the B1 Neighborhood Office Business District to B2A Major Business District; or take any action related thereto.

**ARTICLE 34**

**ZONING BYLAW AMENDMENT / ADMINISTRATIVE CORRECTION**

To see if the Town will vote to amend Section 4.2 of the Zoning Bylaw, to reflect changes to the Zoning Map adopted by previous Town Meeting action; or take any action related thereto.

**ARTICLE 35**

**ZONING BYLAW AMENDMENT / ZONING MAP ADOPTION FOR ADMINISTRATIVE CORRECTION**

To see if the Town will vote to adopt changes to the Zoning Map, as amended by previous Town Meeting action; or take any action related thereto.

**ARTICLE 36**

**ZONING BYLAW AMENDMENT / NO NET LOSS OF COMMERCIAL SPACE FOR LOCAL BUSINESS**

To see if the Town will vote to amend the Zoning Bylaw in Section 5.5.2.B, to set a required minimum floor area percentage for permitted non-residential principal uses in mixed use developments; or take any action related thereto.

**ARTICLE 37**

**ZONING BYLAW AMENDMENT / MULTI-FAMILY PARKING REDUCTION**

To see if the Town will vote to amend Section 6 of the Zoning Bylaw to provide additional options for reducing parking requirements in multi-family residential developments and add a definition and standards for cargo bicycle parking; or take any action related thereto.

**ARTICLE 38**

**ZONING BYLAW AMENDMENT / USE REGULATIONS FOR RESIDENTIAL DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw Section 2 Definitions and Section 5 District Regulations to allow additional business uses in residential districts; or take any action related thereto.

**ARTICLE 39**

**ZONING BYLAW AMENDMENT / 17 PALMER STREET TO THE MBTA NEIGHBORHOOD DISTRICT**

To see if the Town will vote to add the Address of 17 Palmer St., zoned R2 Residential Two-Family, to the Neighborhood Multi-Family (NMF) Housing Overlay District; or take any action related thereto.

**ARTICLE 40**

**ZONING BYLAW AMENDMENT / TWO-FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES**

To see if the Town will vote to amend Section 5.4 of the Zoning Bylaw by amending definitions and expanding allowable residential uses in R0 Large Lot Single-Family District and R1 Single-Family District; or take any action related thereto.

**ARTICLE 41**

**ZONING BYLAW AMENDMENT / AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend its Zoning Bylaw to create an Affordable Housing Overlay District so that housing meeting certain requirements with respect to affordability may be constructed as of right (including, without limitation, amendments to Sections 2 and 5 of the Zoning Bylaw to adopt such Affordable Housing Overlay District and amendments to Sections 4.1.2 and 4.2 of the Zoning Bylaw to add reference to such Affordable Housing Overlay District); or take any action related thereto.

**ARTICLE 42**

**ZONING BYLAW AMENDMENT / AMENDMENT OF ZONING MAP TO INCLUDE AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend its Zoning Map to include and reflect an Affordable

Housing Overlay District, if such a District is approved by the Town at its 2025 Annual Town Meeting; or take any action related thereto.

#### **ARTICLE 43**

##### **ZONING BYLAW AMENDMENT / PUBLIC SHADE TREES**

To see if the Town will vote to amend Section 6.3.4 of the Zoning Bylaw, which requires developers to plant a street tree every 25' in front of the property, to add provisions to increase the likelihood of survival of trees by requiring Tree Warden approval of chosen trees, more specific maintenance requirements, regular reports to DPCD on the health of trees planted, and planting on the private property if there is no suitable place in the public way (except for exceptional circumstances); or take any action related thereto.

#### **ARTICLE 44**

##### **ZONING BYLAW AMENDMENT / AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw to establish an affordable housing overlay district to allow multi-family affordable housing as-of-right in any district except Industrial or Open Space; or take any action related thereto.

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	DRAFT_ATM_2025_Zoning_Bylaw_Amendments_04-07-2025.pdf	DRAFT ATM 2025 Zoning Bylaw Amendments 04-07-2025
▢	Reference Material	Model_Zoning_for_ADUs_v1.1.pdf	Article 25 - Model Zoning for ADUs v1.1
▢	Reference Material	Memo_from_Town_Counsel_to_ARB_4.7.25.pdf	Article 25 - Memo from Town Counsel to ARB 4.7.25
▢	Reference Material	Arlington_DRAFT_Model_Zoning_ADU_Amendment_-_04-07-2025.pdf	Article 25 - Arlington DRAFT Model Zoning ADU Amendment - 04-07-2025
▢	Reference Material	Article_33_B1_rezoning_-_aerial_and_street_view_photos.pdf	Article 33 - B1 rezoning - aerial and street view photos



**Town of Arlington**

**ARLINGTON REDEVELOPMENT BOARD**

**2025 Annual Town Meeting  
DRAFT Zoning Bylaw Amendments**

**as of April 7, 2025**

## **Introduction and Overview**

The Arlington Redevelopment Board (ARB) is the Town's Planning Board, under M.G.L. Chapter 41 § 81. There are five members of the Board. Four are appointed by the Town Manager and the fifth is a gubernatorial designee appointed by the Massachusetts Executive Office on Housing and Livable Communities. The ARB serves as the Town's special permit granting authority for projects which require an Environmental Design Review (EDR) as identified in the Zoning Bylaw. The ARB is also the Town's Urban Renewal Authority under M.G.L. Chapter 121; with Town Meeting approval, the Board may hold property to improve and rehabilitate them to meet community development goals.

The members of the ARB are as follows:

Rachael Zsemlery, Chair (term through 6/30/2026)  
Kin Lau, Vice Chair (term through 1/31/2027)  
Eugene Benson (term through 1/31/2026)  
Shaina Korman-Houston (term through 1/31/2026)  
Stephen Revilak (term through 9/22/2028)

Claire Ricker, AICP, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on:

1. **Monday, February 24, 2025**, beginning at 7:30 PM, to hear Articles 28 through 31, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
2. **Monday, March 10, 2025**, beginning at 7:30 PM, to hear Articles 25 through 27, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
3. **Monday, March 17, 2025**, beginning at 7:30 PM, to hear Articles 36, 37, 38, 40, 43, and 44, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
4. **Monday, March 24, 2025**, beginning at 7:30 PM, to hear Articles 32, 33, 34, 35, 39, 41, and 42, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
5. **Monday, April 7, 2025**, beginning at 7:30 PM, to deliberate and vote on Articles 25 through 44, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.

The articles are presented in the order in which they will appear in the Warrant for Annual Town Meeting and as shown in the meeting details above. The ARB will hear public comments on the proposed amendments to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendments for Annual Town Meeting, which will begin on Monday, April 28, 2025.

The draft language of the proposed amendments to the Zoning Bylaw may be viewed at the front counter of the Department of Planning and Community Development at 730 Massachusetts Avenue, at the Robbins Library at 700 Massachusetts Avenue, or viewed and downloaded from the Redevelopment Board webpage of the Town's website at [www.arlingtonma.gov/arb](http://www.arlingtonma.gov/arb).

Contact Claire Ricker, Director of Planning and Community Development, at 781-316-3092 or [cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us) with any questions or comments.



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## **Summary of Recommended Votes of the Redevelopment Board**

This page is reserved for a listing of all final votes taken by the Board.

# ARTICLE 25:

## ACCESSORY DWELLING UNITS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 25 ZONING BYLAW AMENDMENT / ACCESSORY DWELLING UNITS

To see if the Town will vote to amend Section 2: Definitions, Section 5.4.2.B.(6) Large Additions, Section 5.4.2.B.(7) Garages, Section 5.10.2 Accessory Dwelling Units, and Section 6.1.4 Parking, of the Zoning Bylaw, to revise the requirements for permitting accessory dwelling units as-of-right or by special permit; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

### DRAFT AMENDMENT

#### Amend SECTION 2, Definitions, as follows:

Accessory Dwelling Unit (ADU): A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, which may be detached, attached, or internal to the principal dwelling.

Gross Floor Area: The sum of the horizontal areas of all stories of a building or buildings on a lot, measured from the ~~exterior~~ interior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall as regulated under Section 5.3.22.

#### Amend Section 5.10.2. Accessory Dwelling Units, as follows:

A. Purpose. The purpose of this Section 5.10.2 ~~includes~~ is to allow for Accessory Dwelling Units (ADUs) to accomplish the following purposes:

- (1) Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
- (2) Enable property owners to age in place, to downsize, or to earn supplemental income from investing in their properties.
- (3) Provide a more moderately priced housing option to serve smaller households and persons of all income levels and ages.
- (4) Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing gentle/hidden density without detracting from the existing character of the affected neighborhoods.

~~(1) Promoting the use of accessory dwelling units as a means of providing Arlington property owners with an opportunity to age in place, to create independent living space for elderly, disabled or other family or household members, to downsize or to earn supplemental income from investing in their properties.~~

~~(2) Helping Arlington residents to conserve and grow their own property values.~~

~~(3) Encouraging housing for persons of all income levels and ages.~~

~~(4) Encouraging an orderly expansion of the tax base without detracting from the existing character of the affected neighborhoods.~~

## B. Requirements

- (1) ~~In any Residential District or Business District, an~~ An accessory dwelling unit is permitted as an accessory use to a principal dwelling in any Residential District, and an accessory dwelling unit is permitted as an accessory use to a principal dwelling for a ~~any~~ single-family dwelling, two-family dwelling, ~~or and~~ duplex dwelling in any Business district, if ~~all of~~ the following conditions are met:
  - a) An accessory dwelling unit shall ~~be~~ not be larger in floor area than one-half of the gross floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the gross floor area of the resulting accessory dwelling unit shall be measured relative to the gross floor area of the resulting principal dwelling (as affected by or in connection with the conversion).
  - b) Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall not be subject to the provisions of Section 5.4.2.B(6) if and to the extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.
  - c) An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code for safe egress.
  - d) ~~No more than one~~ One (1) accessory dwelling unit on a lot is allowed per principal dwelling unit is permitted as of right, providing the unit complies with the requirements of this Bylaw. A second accessory dwelling unit may be allowed for a second principal dwelling on the same lot if the applicable Special Permit Granting authority, acting pursuant to Section 3.3, grants a Special Permit upon finding that the adverse effects of a second accessory dwelling unit will not outweigh the beneficial impacts to the neighborhood or town, considering the characteristics of the site and of the proposal in relating to the site, providing the second accessory dwelling unit complies with the requirements of this Bylaw.
  - e) An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building that conforms to the setback requirements of this Bylaw for accessory structures in the district in which is it located. ~~which An~~ accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit. ~~provided that if such~~ If an accessory building is located within ~~6 feet of a lot line~~ the setback, then such accessory dwelling unit shall be allowed only if the ~~Board of Appeals~~ applicable Special Permit Granting Authority, acting pursuant to Section 3.3, grants a ~~s~~Special ~~p~~Permit upon its finding that the ~~creation~~ location of such accessory dwelling unit is not substantially more detrimental to the neighborhood or town than the use of such accessory building as a private garage or other allowed use.
  - f) An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.

- g) An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and State Fire Code (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).
- (2) The creation or addition of an accessory dwelling unit shall not change the zoning classification of the property in question and shall not affect any zoning relief previously obtained for such property. By way of example only (and without limitation), a single-family dwelling having an accessory dwelling unit shall continue to be classified as a single-family dwelling for single-family use under the Zoning Bylaw; a two-family dwelling having an accessory dwelling unit shall continue to be classified as a two-family dwelling for two-family use under the Zoning Bylaw; and a duplex having an accessory dwelling unit shall continue to be classified as a duplex dwelling for duplex use under the Zoning Bylaw.
- (3) No off-street parking spaces are required in connection with the creation or addition of an accessory dwelling unit.
- (4) An accessory dwelling unit shall not be owned separately from the principal dwelling unit with which such accessory dwelling unit is associated.

C. Administration

- ~~(1) Prior to the issuance of a building permit for an accessory dwelling unit, the owner must deliver an affidavit to the building inspector stating that the owner or a family member of the owner will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit.~~
- ~~(2) The creation or addition of an accessory dwelling unit to a principal dwelling unit shall not be subject to the foregoing paragraph 5.9.2.C(1) if the principal dwelling unit and accessory dwelling unit are owned by a non-profit or governmental entity and the accessory dwelling unit is restricted as an affordable unit.~~
- ~~(3)~~(1) In the event of any conflict or inconsistency between the provisions of this Section 5.910.2 or Section 8.1.3.D, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.910.2 and Section 8.1.3.D shall govern and control.

**Amend Section 8.1.3. Nonconforming Single-Family or Two-Family Dwellings, as follows:**

[...]

- D. The creation or addition of an accessory dwelling unit ~~within an existing singlefamily dwelling, two-family dwelling, or duplex dwelling, or within an existing accessory building on the same lot as any such dwelling,~~ does not increase or affect the nonconforming nature of said existing dwelling or accessory building, and shall not cause such dwelling or accessory building to become non-conforming or result in any additional dimensional requirements with respect to such dwelling or accessory building, provided that such creation or addition of an accessory dwelling unit neither expands the footprint nor the height of said dwelling or accessory building, in each case except (i) for changes necessary to provide for required egress or other modification to meet the State Building Code and State Fire Code, (ii) for any projects allowed under Section 5.3.9, and (iii) to the extent authorized by a special permit issued pursuant to ~~clause (iii) of Section 5.10.2.B(1), fifth bullet.~~

# ARTICLE 26:

## TRANSPORTATION DEMAND MANAGEMENT PLAN

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 26 ZONING BYLAW AMENDMENT / TRANSPORTATION DEMAND MANAGEMENT PLAN

To see if the Town will vote to amend Section 6.1.5 Parking Reductions in Business, Industrial, and Multi-Family Residential Zones, of the Zoning Bylaw, to adjust the requirements for Transportation Demand Management plans and methods; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DRAFT AMENDMENT

Amend SECTION 6.1.5, as follows:

#### 6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones

C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single ~~Occupant-Occupancy~~ Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must ~~employ~~ provide at least three TDM methods described below, except projects with fewer than ten residential units and with less than 3,000 square feet of commercial space, which must provide at least two TDM methods described below:

- (1) Charge for parking on-site;
- (2) Pay a stipend to workers or residents without cars;
- (3) Provide preferential parking for carpooling vehicles;
- (4) Provide a guaranteed emergency ride home;
- (5) Provide transit pass subsidies;
- (6) Provide covered bicycle parking and storage, if otherwise not required;
- (7) Provide bicycle or car sharing on site;
- (8) Provide showers for business or industrial uses;
- (9) Provide charging stations for electric bicycles and scooters;
- (10) For projects with residential units, be located within a quarter-mile walk of a subway station or of a bus stop with scheduled bus service at least every 30 minutes, 7 days per week, between the hours of 6 AM and 10 PM.
- (11) ~~(9)~~ Other means acceptable to the applicable Special Permit Granting Authority.

# ARTICLE 27:

## DELETE INLAND WETLAND OVERLAY DISTRICT

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 27                      ZONING BYLAW AMENDMENT / DELETE INLAND WETLAND OVERLAY DISTRICT

To see if the Town will vote to delete Sections 4.1.2(2) and 5.8, Inland Wetland District, of the Zoning Bylaw, and adjust the numbering of subsequent sections; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

### DRAFT AMENDMENT

Amend SECTION 4.1.2, Overlay Districts, as follows:

#### 4.1.2. Overlay Districts

(1) Floodplain District

~~(2) Inland Wetland District~~

~~(3)~~ (2) Multi-Family Housing Overlay Districts

Delete SECTION 5.8, Inland Wetland District, as follows:

#### ~~5.8 INLAND WETLAND DISTRICT~~

##### ~~5.8.1 Purpose~~

~~The purpose of Section 5.8 is to:~~

- ~~A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.~~
- ~~B. Protect the health and safety of persons and property against the hazards of flooding and contamination.~~
- ~~C. Preserve and maintain the groundwater table for potential water supply purposes.~~
- ~~D. Protect the community against the detrimental use and development of lands adjoining such watercourses.~~
- ~~E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.~~

##### ~~5.8.2 Definition~~

~~The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:~~

- ~~A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland~~

~~Protection Regulations (Regulations) promulgated thereunder. These include lakes, ponds and swamps.~~

- ~~B. All land area along all perennial rivers, brooks, and streams as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder for a horizontal distance of 200 feet from the center line thereof are included in the Inland Wetland District.~~
- ~~C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for at least 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.~~

### **5.8.3. Applicability**

~~Any proposed use to be located within the limits of the Inland Wetland District as determined by the Building Inspector under Section 3.1 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.~~

### **5.8.4. Permitted Uses**

~~Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:~~

- ~~A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 8.1.8 of this Bylaw.~~
- ~~B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.~~
- ~~C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued.~~

### **5.8.5. Procedures**

~~Applications for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority and G.L. c. 40A, as outlined in Section 3. Such conditions shall include, where applicable, approval by the Board of Appeals, Arlington Redevelopment Board, Conservation Commission, the Massachusetts Department of Environmental Protection, and/or the~~



~~Massachusetts Department of Transportation under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.~~

**~~5.8.6. Development Conditions~~**

- ~~A. For the development of land within the Inland Wetland District, the following conditions shall apply:~~
- ~~(1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.~~
  - ~~(2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.~~
  - ~~(3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.~~
  - ~~(4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.~~
- ~~B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.~~

**Renumber subsequent Sections as appropriate.**

## ARTICLE 28: DEFINITION OF LOT COVERAGE

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

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### ARTICLE 28 ZONING BYLAW AMENDMENT / DEFINITION OF LOT COVERAGE

To see if the Town will vote to amend Section 2: Definitions, of the Zoning Bylaw, to add a new definition, Lot Coverage; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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#### DRAFT AMENDMENT

Amend SECTION 2, Definitions, as follows:

Building Coverage: The building area expressed as a percentage of the total lot area.

Lot Coverage: Refer to definition for Building Coverage.

## ARTICLE 29: PARKING IN RESIDENTIAL DISTRICTS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 29 ZONING BYLAW AMENDMENT / PARKING IN RESIDENTIAL DISTRICTS

To see if the Town will vote to amend Section 6.1.10.A of the Zoning Bylaw, to amend and clarify standards for the location of parking in Residential districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DRAFT AMENDMENT

Amend SECTION 6.1.10, Location of Parking Spaces, Subsection A, as follows:

A. Parking in Residential Districts.

(1) For single-family, two-family, duplex, and three-family dwellings in all Residential Districts:

a) Required off-street parking spaces shall are not ~~be~~ permitted in the area between the front lot line and the minimum front setback except ~~on a driveway not exceeding 20 feet in width leading to the required parking space(s)~~ that on a corner lot of less than 6,000 square feet the required off-street parking spaces are permitted in the longer of the two front yards, up to a maximum of 24 feet in width.

b) ~~Off~~Required off-street parking spaces are ~~is~~ permitted in ~~(1)~~ the side yard and rear yard on a paved ~~driveway area~~, ~~or in the case of a corner lot of less than 6,000 square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2)~~ in an attached or detached garage, ~~or (3)~~ and in a garage located within the foundation of a dwelling provided the ~~garaging garage~~ garage is specifically designed for that purpose.

c) Parking spaces in addition to those required by Section 6.1.4 of this Bylaw are allowed on a paved driveway meeting the requirements of this Section 6.1.10.A. and in a garage specifically designed for that purpose.

d) A driveway leading to off-street parking cannot exceed 20 feet in width. A driveway leading to off-street parking cannot be closer than 20 feet to an intersection, except by Special Permit. Any Further, a driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space.

e) ~~Side~~To minimize visual impacts, side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, ~~, to minimize visual impacts. Except as altered by Special Permit, such vegetated buffer shall be a minimum of two and one-half feet in width, or if its width is less than two and one-half feet it must have a minimum height of 4 feet, except no such buffer shall be over two and one-half feet in height above the adjacent ground within five feet of the front lot line unless it can be shown~~

that such buffer will not restrict visibility in such a way as to hinder the safe entry of a vehicle from the driveway to the street.

(2) For single-family, two-family, duplex, and three-family dwellings in R0, R1, R2, R3 and R4 districts:

a) ~~not more than~~ Only one driveway ~~shall be~~ is permitted ~~on a lot~~ unless ~~there is a finding by~~ the Special Permit Granting Authority ~~for the development finds~~ that a second driveway, or a driveway that makes more than one intersection with the street, may be added in a manner that:

i. ~~a~~ Avoids an undue concentration of population,

ii. ~~a~~ Allows adequate provision of transportation,

iii. ~~Allows for the safety of those using the street and sidewalk, and~~

iv. ~~Preserves Protected Trees as defined in Town Bylaws,~~

v. ~~e~~ Conserves the value of land and buildings in the vicinity, ~~and~~

vi. ~~Does not violate any other~~ ~~In no case may a second driveway for a single family, two family, duplex, or three family dwelling violate any other~~ driveway, parking, dimensional, or density ~~regulations~~ requirements for the district in which it is located. ~~For single family, two family, duplex, and three family dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.~~

b) In making the findings required by subsection 6.1.10.A.(2)a., the Special Permit Granting Authority shall consider relevant factors that may include, among other relevant factors:

i. The functional classification and traffic volumes on the affected street or streets;

ii. Whether the affected street or streets are one-way or two-way;

iii. Proximity to signalized or unsignalized intersections;

iv. Sight lines;

v. Potential conflicts with others using the street and sidewalk; and

vi. The presence of children or others who may be unable to protect themselves from roadway dangers.

c) No more than two driveways are permitted on a lot.

# ARTICLE 30: SCREENING AND BUFFER REQUIREMENTS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

## ARTICLE 30 ZONING BYLAW AMENDMENT / SCREENING AND BUFFER REQUIREMENTS

To see if the Town will vote to remove duplicate material by combining Section 5.3.7 and 5.3.21 of the Zoning Bylaw into Section 5.3.7 and thus deleting Section 5.3.21, revise Section 5.3.7 for clarity, move a subsection to Section 5.3.13, and amend a reference in Section 5.6.2; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

### DRAFT AMENDMENT

Amend SECTION 5.3.7, Screening and Buffers, as follows:

#### 5.3.7. Screening and Buffers: Industrial and Business Districts and Parking Lots

- A. Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts ~~certain~~ buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft.
B3, B2A, B4	R0 through R5	15 ft.
I	R6 through R7	10 ft.
B1, B2	R0 through R5	10 ft.

- (1) The ~~strip~~ buffer shall contain a screen of plantings not less than three feet wide and six feet high at the time of occupancy of such lot.
- (2) Individual shrubs or trees shall be planted not more than 20 feet on center and shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50 percent of the plantings shall consist of evenly-spaced evergreens ~~and they shall be evenly spaced~~.
- (3) A solid wall or solid wooden fence, five to six feet high, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; ~~however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of the district. No screen shall be closer than 10 feet to a public or private way.~~ Where deemed appropriate by the property owner and immediate abutters, and as approved by the Building Inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.
- (4) No screen shall be closer than 10 feet to a public or private way.

(5) The requirements of this Section 5.3.7.A. shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of the applicable I or B district.

(6) For any area used for the parking of more than five vehicles, the requirements of this Section 5.3.7.A. shall not supersede the screening provisions of Section 6.1, Off-Street Parking.

~~B. For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking and Loading, shall apply.~~

~~C. Screening and space buffers shall not be required where abutting railroad track or railroad right-of-way if railroad is to be utilized for loading or unloading.~~

~~B.D.~~ In Industrial Districts, screening along the Minuteman Bikeway shall be limited to a vegetative screen, guardrail, and/or low fence under 4 feet in height only. Such screening shall either have gaps or vary in height to provide lines of sight from the Minuteman Bikeway to the adjoining property to promote safety for pedestrians and bicyclists. Pedestrian amenities such as seating, bins for recycling and refuse collection, and appropriate supplementary lighting shall be integrated within the landscaped area of the buffer.

**Amend SECTION 5.3.13, Accessory Buildings and Other Structures, as follows:**

#### **5.3.13. Accessory Buildings and Other Structures**

B. An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal building per Section 5.4.2.

(1) In ~~Residence~~ Residential districts, a minor accessory building shall be exempt from side and rear yard requirements if said building dimensions result in a gross floor area of not more than 80 square feet and a building height of not more than 7 feet.

(4) An accessory private swimming pool shall be completely enclosed by a fence the top of which shall be at least 5 feet in height above the pool, having a self-closing gate with a latch. Above-ground pools may be unfenced if they are less than 24 inches in depth or with walls 4 feet or greater in height and removable. The unnumbered side of a corner lot shall be considered as a side yard for the purposes of establishing minimum setback requirements for accessory private swimming pools in all ~~Residence~~ Residential districts. See Section 5.4.2.(A) District Yard and Open Space Requirements.

C. In Business and Industrial districts, accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.

Delete SECTION 5.3.21, Supplemental Requirements in the Business and Industrial Districts, as follows:

**~~5.3.21. Supplemental Requirements in the Business and Industrial Districts~~**

**~~A. Screening and Buffers: Industrial and Business Districts and Parking Lots~~**

- ~~(1) Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:~~

<del>I or B District</del>	<del>Abutting R District</del>	<del>Minimum Buffer</del>
<del>I, B5</del>	<del>R0 through R5</del>	<del>25 ft.</del>
<del>B3, B2A, B4</del>	<del>R0 through R5</del>	<del>15 ft.</del>
<del>I</del>	<del>R6 through R7</del>	<del>10 ft.</del>
<del>B1, B2</del>	<del>R0 through R5</del>	<del>10 ft.</del>

~~The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence. See Section 5.3.7 for screening and buffer requirements for Business districts, Industrial districts, and parking lots.~~

- ~~(2) For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, shall apply.~~

- ~~B. Accessory Structures. Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.~~
- ~~C. Minimum side and rear yards in Industrial Districts and minimum front, side, and rear yard are not required when abutting railroad track or railroad right-of-way if railroad is utilized for loading or unloading.~~

**Amend SECTION 5.6.2, Dimensional and Density Regulations, Subsection D, as follows:**

**5.6.2. Dimensional and Density Regulations**

D. Development Standards. In the Industrial District, the following requirements apply to all new development or additions over 50% of the existing footprint:

(2) Yards

- Where feasible, the principal façade of the principal building on the site shall be no more than 10 feet from the front lot line.
- The use of rain gardens, bioswales, and wetlands restoration to control runoff and manage stormwater on-site within setbacks is strongly encouraged. Such systems shall be integrated with the surface water drainage systems in Section 3.4.4.E. See Section 6.1.11.F(3) for relationship to parking areas.
- Fences greater than 4 feet tall within the abutting setback to the Minuteman Bikeway shall be prohibited. See Section 5.3.7.~~D~~B. for additional requirements.



# ARTICLE 31: REDEVELOPMENT BOARD JURISDICTION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

## ARTICLE 31 ZONING BYLAW AMENDMENT / REDEVELOPMENT BOARD JURISDICTION

To see if the Town will vote to amend Section 3.4.2 of the Zoning Bylaw, to revise the special permit and environmental design review applicability for certain properties abutting the Minuteman Bikeway; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

### DRAFT AMENDMENT

Amend SECTION 3.4.2, Environmental Design Review, Subsection A, as follows:

#### 3.4.2. Applicability

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and (c) is one of the uses listed in subparagraphs A through I below, the special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

A. Construction or reconstruction on a site abutting any of the following:

- (1) Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, or Broadway, ~~or the Minuteman Bikeway~~.
- (2) The Minuteman Bikeway, unless the site is located in a R1 or R2 district and concerns a single-family, two-family or duplex dwelling, where the applicable Special Permit Granting Authority shall be the Zoning Board of Appeals.

# ARTICLE 32:

## REZONE B1 PARCELS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 32

### ZONING BYLAW AMENDMENT / REZONE B1 PARCELS

To see if the Town will vote to amend Section 5.5 Business Districts, of the Zoning Bylaw, to rezone certain parcels in the B1 Neighborhood Office Business District to B2A Major Business District; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

### DRAFT AMENDMENT

Amend Section 5.5 Business Districts, as follows:

#### 5.5.1 Districts and Purposes

The Town of Arlington has established six business districts to provide for goods and services and employment opportunities in a variety of settings. The boundaries of the districts are as shown on the Zoning Map.

- C. B2A: Major Business District. The B2A district is predominantly located along Massachusetts Avenue, Mill Street, Summer Street, and Broadway. These areas generally contain retail and service uses that serve the needs of a large neighborhood area. Customers ~~generally may~~ arrive by car, so the Town wants to ensure that ample parking is available to serve the retailer. Mixed-use buildings are allowed in this district, as is medium-density housing due to the district's proximity to residential uses. Specifically prohibited uses include (but are not limited to) automotive uses, some office uses, and wholesale business and storage uses.

#### 5.5.3 Use Regulations for Business Districts

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Institutional, Educational</b>						
Community center, youth club, adult education center, or similar facility operated by a non-profit institution ( <i>Note: See Section 3.5 if use is for educational or religious purposes.</i> )	SP	SP	<u>SP</u>	SP		SP

A list of the parcels to be rezoned is attached hereto as Exhibit "A" on page 36, and excerpts of the Use Tables comparing the B1 and B2A Districts as Exhibit "B" on page 39.

## ARTICLE 33: ZONING MAP ADOPTION FOR B1 REZONING

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### **ARTICLE 33                      ZONING BYLAW AMENDMENT / ZONING MAP ADOPTION FOR B1 REZONING**

To see if the Town will vote to adopt changes to the Zoning Map that would rezone certain parcels in the B1 Neighborhood Office Business District to B2A Major Business District; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

### **DRAFT AMENDMENT**

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#### **Amend Zoning Map as follows:**

Maps showing the parcels to be rezoned are attached hereto as Exhibit "C" on page 45.

## ARTICLE 34: ADMINISTRATIVE CORRECTION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

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### ARTICLE 34 ZONING BYLAW AMENDMENT / ADMINISTRATIVE CORRECTION

To see if the Town will vote to amend Section 4.2 of the Zoning Bylaw, to reflect changes to the Zoning Map adopted by previous Town Meeting action; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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### DRAFT AMENDMENT

Amend SECTION 4.2, Zoning Map, as follows:

#### 4.2 ZONING MAP

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington, MA" ~~and dated May 14, 2021~~ (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including all Overlay Districts listed in Section 4.1.2 of this bylaw, are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

## ARTICLE 35: ZONING MAP ADOPTION FOR ADMINISTRATIVE CORRECTION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### **ARTICLE 35 ZONING BYLAW AMENDMENT / ZONING MAP ADOPTION FOR ADMINISTRATIVE CORRECTION**

To see if the Town will vote to adopt changes to the Zoning Map, as amended by previous Town Meeting action; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

### **DRAFT AMENDMENT**

Amend the Zoning Map as follows:

A copy of the map is attached hereto as Exhibit "D" on page 54.

# ARTICLE 36: NO NET LOSS OF COMMERCIAL SPACE FOR LOCAL BUSINESS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

## **ARTICLE 36 ZONING BYLAW AMENDMENT / NO NET LOSS OF COMMERCIAL SPACE FOR LOCAL BUSINESS**

To see if the Town will vote to amend the Zoning Bylaw in Section 5.5.2.B, to set a required minimum floor area percentage for permitted non-residential principal uses in mixed use developments; or take any action related thereto.

(Inserted at the request of Kristin Anderson and 10 registered voters)

### **DRAFT AMENDMENT**

**Amend SECTION 5.5.2.B, Development Standards for Business Districts, as follows:**

#### **B. Development Standards for Business Districts**

- (1) Purpose. The purpose of this Section 5.5.2(B) is to encourage pedestrian activity, maintain an active street, and to encourage the development of active ground floor uses. The Redevelopment Board may consider the purposes of this Section in determining whether to grant a Special Permit through Section 3.4.
- (2) Applicability. In the Business Districts, applications subject to review by the Arlington Redevelopment Board shall be governed by all requirements of this Section 5.5.2(B) as well as all other applicable provisions of this Bylaw. This Section is not applicable to requests for sign approvals.
- (3) Administration. This Section 5.5.2(B) shall be administered subject to Sections 3.3, Special Permits, and 3.4, Environmental Design Review, by the Arlington Redevelopment Board, including making reasonable exemptions from the standards.
- (4) Standards
 

Transparency and access. In the Business Districts, the following requirements apply to all new construction, additions over 50% of the existing footprint, or redevelopment:

  - The required minimum transparency of the ground floor principal façade visible from a public right-of-way is 60% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.
  - All façades visible from a public right-of-way shall be given equal treatment in terms of architectural detailing. No blank façades that face a public right-of-way are permitted. Façades shall be articulated a minimum of every 30 feet.
  - Each ground floor storefront in a building shall have a clearly defined primary entrance that faces the principal street. A corner door may be used for a building that faces two public streets.
  - The primary building entry shall be connected by an accessible surface to the public sidewalk.

- Lobby entrances for upper story uses should be optimally located, well defined, and clearly visible. Buildings should use any combination of articulation, a double-height ceiling, a distinctive doorway, a change in wall material, a change in paving material within the frontage area, or other architectural element(s) to make lobbies visually and materially distinctive. Lobby entrances for upper story uses may be located on a side or rear façade of a building.
- Lobbies should be limited in both width and total area to preserve floor space and façade frontage for other ground floor uses.

(5) Use Requirements. In the Business Districts, the following requirements apply to all mixed-use projects, including new construction, or redevelopment:

- a) No dwelling units may be located on the street level unless all of the following conditions are met:
  - i. The building has three (3) or more dwelling units on upper floors.
  - ii. A commercial space is located on the second level, with a floor area equal to or exceeding that of any street level dwelling units.
  - iii. The Board of Appeals or Redevelopment Board, as applicable, finds it convenient to the public interest.
- b) The following requirements apply to all mixed-use projects of four (4) stories or more, including new construction, or redevelopment
  - i. A minimum of 60% of the building footprint on the ground floor at street level shall be required for permitted non-residential principal uses only. This area shall not include space devoted to building management or operations, or areas not open to the general public.
  - ii. The Board of Appeals or Arlington Redevelopment Board, as applicable, may reduce the required street level non-residential area by 25% if replaced by equal or greater area on upper floors for commercial uses open to the public.
  - iii. Residential uses on the street level shall be limited to Accessory uses such as lobbies, mailrooms, hallways, bike storage, etc.

# ARTICLE 37:

## MULTI-FAMILY PARKING REDUCTION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 37 ZONING BYLAW AMENDMENT / MULTI-FAMILY PARKING REDUCTION

To see if the Town will vote to amend Section 6 of the Zoning Bylaw to provide additional options for reducing parking requirements in multi-family residential developments and add a definition and standards for cargo bicycle parking; or take any action related thereto.

(Inserted at the request of Vincent Baudoin and 10 registered voters)

#### DRAFT AMENDMENT

**Amend Section 6.1.5. Parking Reduction in Business, Industrial, and Multi-Family Residential Zones as follows:**

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, Business, and Industrial Zones, and for multi-family housing in any zone, to 25 percent of that required in the Table of Off-Street Parking Regulations. Such reductions may be allowed if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. The Department of Planning and Community Development may grant such reductions for multi-family housing developments not subject to review by the Redevelopment Board or Zoning Board of Appeals. Methods to reduce parking on site may include but are not limited to:

**Amend Section 6.1.5.C to add an item to the list of TDM strategies in the second-to-last position and re-number subsequent items as appropriate:**

(9) Provide cargo bicycle parking for multi-family housing;

~~(9)~~(10) Other means acceptable to the applicable Special Permit Granting Authority.

**Amend Section 6.1.10 Location of Parking Spaces to add a new subsection E. and re-letter subsequent sections as follows:**

E. On-Street Parking. For multi-family housing developments, the Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the substitution of on-street parking spaces on a public way in lieu of parking requirements of this Section 6.1 provided the on-street spaces are located within 1,000 feet of the building to be served and are reliably available without significant restrictions that would make them impractical for use by residents (such as overnight parking bans or time limits). This shall not change the requirement for accessible parking spaces at the property.

~~E.~~ F. Location of Loading Spaces. The loading spaces required for the uses listed in the Table of Off-Street Loading and Unloading Regulations shall in all cases be on the same lot as the use they



are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

- ~~F.~~ G. Parking in Industrial Districts. In an Industrial District, all parking and loading areas shall be subject to the following requirements in addition to the applicable requirements of Section 6.1.10: [...]

**Amend Section 6.1.12 Bicycle Parking to add a new subsection F. and re-letter subsequent sections as follows:**

- F. Bicycle parking spaces intended to accommodate cargo bicycles shall meet the following additional requirements:

- (1) Accommodate a bicycle at least 9 feet long and 3.5 feet wide,
- (2) Have a vertical clearance of at least 7 feet, and
- (3) Be served by an aisle or maneuvering area at least 5 feet wide.

- ~~F.~~ G. Bicycle parking designed in the following manner shall not be permitted [...]

- ~~G.~~ H. The location of bicycle parking spaces shall comply with the following requirements: [...]

- ~~H.~~ I. The requirements of this Section may be reduced as follows [...]

# ARTICLE 38:

## USE REGULATIONS FOR RESIDENTIAL DISTRICTS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 38 ZONING BYLAW AMENDMENT / USE REGULATIONS FOR RESIDENTIAL DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw Section 2 Definitions and Section 5 District Regulations to allow additional business uses in residential districts; or take any action related thereto.

(Inserted at the request of Andrew S. Greenspon and 10 registered voters)

#### DRAFT AMENDMENT

#### Amend SECTION 2, DEFINITIONS, as follows:

Add definition:

Neighborhood Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications.

#### Amend SECTION 5.4.2, Multiple Principal Uses, as follows:

##### 5.2.4 Multiple Principal Uses

A lot or structure located in the R3, R4, R5, R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I, MU, and T districts may contain more than one principal use as listed in Section 5.4.3 Use Regulations for Residential Districts, Section 5.5.3 Use Regulations for Business Districts, or Section 0 Use Regulations for MU, PUD, I, T, and OS Districts. [...]

#### Amend SECTION 5.4.3, USE REGULATIONS FOR RESIDENTIAL DISTRICTS, as follows:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Personal, Consumer and Business Services</b>								
Funeral Home						SP	SP	SP
<u>Barber shop, hair salon, tailor, or shoe repair shop with 5 or fewer employees on site at one time</u>				<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Health club with 5 or fewer employees on site at one time</u>				<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<b>Eating and Drinking Establishments</b>								
Restaurant => 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more								SP

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<a href="#">Restaurant &lt; 1500 sq. ft. with 5 or fewer employees on site at one time, if the building abuts a business, multi-use, planned unit development, or industrial parcel</a>				<a href="#">SP</a>	<a href="#">SP</a>	<a href="#">SP</a>	<a href="#">SP</a>	<a href="#">SP</a>
<b>Retail</b>								
Retail, general, with more than 3,000 sq. ft. of gross floor area								SP
Retail, local, with less than 3,000 sq. ft. of gross floor area								SP
<a href="#">Retail, local, with less than 1,500 sq. ft. of gross floor area with 5 or fewer employees on site at one time</a>				<a href="#">Y</a>	<a href="#">Y</a>	<a href="#">Y</a>	<a href="#">Y</a>	<a href="#">Y</a>
<b>Office Uses</b>								
Business, professional or medical/ clinic offices								
• Less than 3,000 sq. ft. gross floor area per building				<a href="#">Y</a>	<a href="#">SPY</a>	<a href="#">SPY</a>	Y	Y
• 3,000 sq. ft. or more gross floor area per building							SP	SP
• In an existing building originally designed for single or two-family residential use, if the building retains its residential appearance and fronts on a street with at least 50 foot right-of-way				<a href="#">Y</a>	<a href="#">SPY</a>	<a href="#">SPY</a>	Y	Y
• In an existing building originally designed for single or two-family residential use, if the building retains its residential appearance and fronts on a street with < 50 foot right of way				<a href="#">Y</a>	<a href="#">SPY</a>	<a href="#">SPY</a>	<a href="#">SPY</a>	<a href="#">SPY</a>
Physician or Clergy office within a residence with up to 1 nonresident employee	SP	SP	<a href="#">SP</a>	<a href="#">SPY</a>	<a href="#">SPY</a>	<a href="#">Y</a>	<a href="#">Y</a>	<a href="#">Y</a>
...								
<b>Other Principal Uses</b>								
<a href="#">Neighborhood Artistic/creative production with 5 or fewer employees on site at one time</a>				<a href="#">Y</a>	<a href="#">Y</a>	<a href="#">Y</a>	<a href="#">Y</a>	<a href="#">Y</a>
<b>Accessory Uses</b>								
...								
Catering Service								Y
<a href="#">Catering Service with 5 or fewer employees on site at one time</a>				<a href="#">Y</a>	<a href="#">Y</a>	<a href="#">Y</a>	<a href="#">Y</a>	

# ARTICLE 39:

## 17 PALMER STREET TO THE MBTA NEIGHBORHOOD DISTRICT

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 39 ZONING BYLAW AMENDMENT / 17 PALMER STREET TO THE MBTA NEIGHBORHOOD DISTRICT

To see if the Town will vote to add the Address of 17 Palmer St., zoned R2 Residential Two-Family, to the Neighborhood Multi-Family (NMF) Housing Overlay District; or take any action related thereto.

(Inserted at the request of John E. Heraty and 10 registered voters)

#### DRAFT AMENDMENT

**Amend the MBTA Communities Overlay District Parcel List for the Neighborhood Multi-Family (NMF) Subdistrict as follows:**

- Add a row to the Parcel List table to include the property at 17 Palmer Street; so that said row reads as follows:

Address	Owner	Existing Use Codes	Existing Use Description	Parcel Acres	Parcel Square Footage
<u>17 Palmer St.</u>	<u>Heraty, John E./ Kielty Real Estate Trust</u>	<u>105</u>	<u>Three-Family Residential</u>	<u>0.15324</u>	<u>6,675</u>

**Amend the Zoning Map as follows:**

Maps showing the parcels to be rezoned are attached hereto as Exhibit "E" on page 55.

## ARTICLE 40: TWO-FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 40 ZONING BYLAW AMENDMENT / TWO-FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES

To see if the Town will vote to amend Section 5.4 of the Zoning Bylaw by amending definitions and expanding allowable residential uses in R0 Large Lot Single-Family District and R1 Single-Family District; or take any action related thereto.

(Inserted at the request of David Levy and 10 registered voters)

#### DRAFT AMENDMENT

Amend SECTION 5.4.1.A, as follows:

- A. R0, R1, and R2. The R0, R1, and R2 districts are traditional residential districts. Together, these districts comprise a substantial majority of the residentially zoned land in Arlington.
- (1) R0: Large Lot ~~Single-Family Residential~~ District. The Large Lot ~~Single-Family Residential~~ District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the ~~single-family~~ residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
- (2) R1: ~~Single-Family Residential~~ District. The predominant uses in R1 are single-family, two-family, and duplex dwellings, and public land and buildings. The Town discourages intensive land uses, uses that would detract from the ~~single-family~~ residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

Amend SECTION 5.4.2, Dimensional and Density Requirements, Subsection A, Tables of Dimensional and Density Regulations, as follows:

- Change the “R District Building Height and Floor Area Ratio Regulations” table; combine the rows relating to R0, R1, and R2 structures such that it includes “Single Family detached dwelling, two-family dwelling, duplex dwelling” on the first line;

so that said rows read as follows:

District Uses	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
R0, R1, <u>R2</u>			
Single Family detached dwelling, <u>two-family dwelling, duplex dwelling</u>	35	2 ½	-----
Other permitted structure	35	2 ½	0.35
<del>R2</del>			
<del>Single family detached dwelling, two-family dwelling or duplex dwelling</del>	<del>35</del>	<del>2 ½</del>	<del>-----</del>
<del>Other permitted structure</del>	<del>35</del>	<del>2 ½</del>	<del>0.35</del>

**Amend SECTION 5.4.3, Use Regulations for Residential Districts, as follows:**

- On line 3 of “Use Regulations for Residential Districts” table, labeled “Two-family dwelling, duplex,” add the letter “Y” under the columns labeled “R0” and “R1”;

so that said row read as follows:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Residential</b>								
Two-family dwelling, duplex	<u>Y</u>	<u>Y</u>	Y	Y	Y	Y	Y	Y

## ARTICLE 41: AFFORDABLE HOUSING OVERLAY DISTRICT

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### **ARTICLE 41                      ZONING BYLAW AMENDMENT / AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend its Zoning Bylaw to create an Affordable Housing Overlay District so that housing meeting certain requirements with respect to affordability may be constructed as of right (including, without limitation, amendments to Sections 2 and 5 of the Zoning Bylaw to adopt such Affordable Housing Overlay District and amendments to Sections 4.1.2 and 4.2 of the Zoning Bylaw to add reference to such Affordable Housing Overlay District}; or take any action related thereto.

(Inserted at the request of Sanjay Newton and 10 registered voters)

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The proponents of Article 41 have requested that this article be withdrawn or that the Redevelopment Board recommend no action.

## ARTICLE 42: AMENDMENT OF ZONING MAP TO INCLUDE AFFORDABLE HOUSING OVERLAY DISTRICT

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 42 ZONING BYLAW AMENDMENT / AMENDMENT OF ZONING MAP TO INCLUDE AFFORDABLE HOUSING OVERLAY DISTRICT

To see if the Town will vote to amend its Zoning Map to include and reflect an Affordable Housing Overlay District, if such a District is approved by the Town at its 2025 Annual Town Meeting; or take any action related thereto.

(Inserted at the request of Sanjay Newton and 10 registered voters)

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The proponents of Article 42 have requested that this article be withdrawn or that the Redevelopment Board recommend no action.



# ARTICLE 43:

## PUBLIC SHADE TREES

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 43

### ZONING BYLAW AMENDMENT / PUBLIC SHADE TREES

To see if the Town will vote to amend Section 6.3.4 of the Zoning Bylaw, which requires developers to plant a street tree every 25' in front of the property, to add provisions to increase the likelihood of survival of trees by requiring Tree Warden approval of chosen trees, more specific maintenance requirements, regular reports to DPCD on the health of trees planted, and planting on the private property if there is no suitable place in the public way (except for exceptional circumstances); or take any action related thereto.

(Inserted at the request of Susan Stamps and 10 registered voters)

### DRAFT AMENDMENT

Amend SECTION 6.3, as follows:

#### 6.3 PUBLIC SHADE TREES

##### 6.3.1. Purpose

The purpose of this Section 6.3 is to:

- A. Provide for adequate shade tree coverage along Arlington's main corridors;
- B. Implement carbon neutral policies of the Town of Arlington;
- C. Address heat island effects emanating from Arlington's ~~main corridors~~ streets and buildings;
- D. Enhance public health and walkability with proper shading.

##### 6.3.2. Applicability

In the Business, Residential, and Multi-Family Housing Overlay Districts, new construction, additions over 50% of the existing footprint, or redevelopment shall provide one public shade tree every 25 linear feet of lot frontage along the public way where there is not already a public shade tree.

##### 6.3.3. Administration

- A. This Section 6.3 shall be administered subject to Sections 3.3, Special Permits, 3.4, Environmental Design Review, and Site Plan Review, as applicable, by the Arlington Redevelopment Board. It shall be administered by the Zoning Board of Appeals for projects under its review. It shall be administered by the Department of Planning and Community Development if the project is not subject to review by the Redevelopment Board or Zoning Board of Appeals.
- B. Public shade trees shall be provided for any applicable use above and in accordance with the Standards established in this Section 6.3.

**6.3.4. Standards**

- A. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.
- B. Trees shall be selected from the ~~approved~~ tree list set forth by the Tree Committee and approved by the Tree Warden. The Tree Warden shall approve the choice of trees for each project.
- C. When planted, trees must be a minimum ~~height of ten (10) feet or caliper of~~ two (2) inches ~~in caliper.~~
- D. All new trees shall be maintained, including watering, by the Owner, in accordance with ~~American Standard for Nursery Stock standards~~ the USDA Forest Service Tree Owner's Manual standards, or other standards the Redevelopment Board may designate, for a period of no less than 36 months from the date of planting, ~~, or other standards the Redevelopment Board may designate.~~ Replacement trees of similar size approved by the Tree Warden are required to be planted by the Owner in the event of tree death or decline during the 36-month period. Properties in which there are preexisting public shade trees at the required spacing along the public way are exempt.
- E. Where there is no ~~other~~ suitable location within the public way, shade trees may be proposed in locations within the lot within 20 feet of the public way, or in exceptional circumstances the Arlington Redevelopment Board or Zoning Board of Appeals, as applicable, may allow the owner to plant the trees elsewhere in the lot or, if not feasible, make a financial contribution to the Arlington Tree Fund. The Department of Planning and Community Development may make such allowance for projects not subject to review by the Redevelopment Board or Zoning Board of Appeals.

The Arlington Redevelopment Board or Zoning Board of Appeals, as applicable, may grant an increase in spacing between plantings where a new planting would conflict with existing trees, retaining walls, utilities, and similar physical barriers, or other curbside uses. The Department of Planning and Community Development may grant such increases for projects not subject to review by the Redevelopment Board or Zoning Board of Appeals.

**6.3.5. Computation**

When computation of the number of required public shade trees results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number. The Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund in an amount equivalent to the full and fair market value of the additional whole tree.

## ARTICLE 44: AFFORDABLE HOUSING OVERLAY DISTRICT

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### **ARTICLE 44** **ZONING BYLAW AMENDMENT / AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw to establish an affordable housing overlay district to allow multi-family affordable housing as-of-right in any district except Industrial or Open Space; or take any action related thereto.

(Inserted at the request of John L. Worden III and 10 registered voters)

#### **NOTES**

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No main motion language has been submitted for this warrant article.

The original warrant article submission contained the following language:

#### **AFFORDABLE HOUSING OVERLAY**

To see if the Town will vote to amend the Zoning Bylaw to establish an affordable housing overlay, substantially as follows:

Multifamily affordable housing buildings may be allowed in any district except Industrial or Open Space, subject to the following requirements:

One market rate unit is allowed but all other units must be rented or sold at affordable prices as defined in Section 8.2 of the Town of Arlington Zoning Bylaw, and must be affordable in perpetuity.

Although conversion of existing buildings is preferable, in the case of expansion or new construction, height, frontage, lot size, and setbacks of existing regulations of the particular district must be observed. In any event no new construction may block sunlight from existing or potential solar cells on a building on an adjacent lot, no building on any historic list or inventory may be demolished, and no mature trees may be cut down. Or take any action related thereto.

#### **COMMENT**

This article addresses the need for affordable housing in a scattered-site manner with minimal disruption to Arlington's diverse neighborhoods. The preservation of the scale and ambiance of our neighborhoods is important to the Town and fair to the residents many of whom have made substantial investments in their homes.

## Parcels Zoned B1

Full Address	GIS SqFt	Landuse Description	Parcel ID
7 AVON PL	4,040	101 - One Family	10-2-3.B
8-10 AVON PL	7,129	104 - Two Family	10-3-12
0LOT BACON ST	3,267	962 - Other	51-1-3
0LOT CENTRAL ST	15,090	900 - U.S. Govt.	51-4-2
6 CENTRAL ST	1,603	101 - One Family	51-1-6
7 CENTRAL ST	14,444	340 - Office	51-4-1
8-10 CENTRAL ST	5,917	109 - Multi-House	51-1-5
1 CHESTNUT ST	13,145	340 - Office	45-2-5
5 CHESTNUT ST	11,853	355 - Funeral	45-2-4
9 CHESTNUT ST	8,006	342 - Pro-Office	45-2-3
13-15 CHESTNUT ST	8,836	102 - Condo	45.A-2-13 / 45.A-2-15
17 CHESTNUT ST	9,147	013 - Res. / Comm.	45-2-1
0LOT COURT ST	4,862	337 - Parking Lot	50-6-8
9 COURT ST	6,917	340 - Office	50-6-7
10 COURT ST	27,686	900 - U.S. Govt.	51-4-9
5 FOREST ST	11,178	316 - Comm. Whs.	57-2-13
8-10 HENDERSON ST	5,597	105 - Three Fam.	23-3-11
4-6 LANCASTER RD	3,428	104 - Two Family	174-2-12.A
0LOT MASS AVE	3,426	132 - Undevelopable Land	23-5-7
0LOT MASS AVE	1,281	930 - Vacant, Municipal	62-1-3
0LOT MASS AVE	11,176	337 - Parking Lot	124-1-2
43-45 MASS AVE	5,258	111 - Apts. 4-8	23-5-6
48-50 MASS AVE	4,659	104 - Two Family	1-3-3
58-60 MASS AVE	5,121	013 - Res. / Comm.	1-3-1
63 MASS AVE	3,983	340 - Office	23-3-12
67 MASS AVE	3,993	104 - Two Family	23-3-13
70-72 MASS AVE	5,261	031 - Comm. / Res.	1-2-4
71-73 MASS AVE	5,551	013 - Res. / Comm.	23-3-14
77 MASS AVE	6,109	109 - Multi-House	23-3-15
89 MASS AVE	4,964	340 - Office	23-1-14
221 MASS AVE	5,081	104 - Two Family	28-3-9
223 MASS AVE	5,200	340 - Office	28-3-10
226 MASS AVE	12,103	031 - Comm. / Res.	6-2-3.A
251 MASS AVE	5,638	102 - Condo	29.A-3-11.1 / 29.A-3-11.2
255 MASS AVE	6,423	111 - Apts. 4-8	29-3-12.A
259 MASS AVE	8,207	343 - Condo-Comm	29.A-3-13.A / 29.A-3-13.B / 29.A-3-13.C / 29.A-3-13.D

Full Address	GIS SqFt	Landuse Description	Parcel ID
286 MASS AVE	5,302	105 - Three Fam.	8-1-5.B
288 MASS AVE	5,403	104 - Two Family	8-1-5.A
290 MASS AVE	14,285	013 - Res. / Comm.	8-1-4
292 MASS AVE	8,521	031 - Comm. / Res.	8-1-3
294-298 MASS AVE	8,133	013 - Res. / Comm.	8-1-2
305 MASS AVE	6,673	101 - One Family	29-1-3
310 MASS AVE	7,695	102 - Condo	9.A-2-24.1 / 9.A-2-24.2 / 9.A-2-24.3
311 MASS AVE	6,448	101 - One Family	31-5-18
314 MASS AVE	7,027	109 - Multi-House	9-2-23
315-317 MASS AVE	5,729	104 - Two Family	31-5-19
319 MASS AVE	4,815	340 - Office	31-5-1
325-327 MASS AVE	5,184	105 - Three Fam.	31-3-13
355 MASS AVE	9,616	013 - Res. / Comm.	31-1-14.A
358 MASS AVE	3,949	013 - Res. / Comm.	9-2-5
360 MASS AVE	4,269	013 - Res. / Comm.	9-2-4
361 MASS AVE	11,342	031 - Comm. / Res.	31-1-1.A
370 MASS AVE	9,534	954 - Funct. Hall	10-4-3
373-375 MASS AVE	5,036	013 - Res. / Comm.	32-2-18
374 MASS AVE	8,715	102 - Condo	10.A-4-2 / 10.A-4-3 / 10.A-4-4 / 10.A-4-5
378 MASS AVE	8,009	013 - Res. / Comm.	10-4-1.A
390 MASS AVE	10,149	031 - Comm. / Res.	10-3-1
400-402 MASS AVE	4,194	031 - Comm. / Res.	10-2-3.A
404 MASS AVE	5,823	105 - Three Fam.	10-2-2
406 MASS AVE	6,002	031 - Comm. / Res.	10-2-1
418 MASS AVE	10,209	355 - Funeral	10-1-7
734-736 MASS AVE	6,284	013 - Res. / Comm.	124-2-9
735 MASS AVE	9,159	960 - Church	51-1-8
742 MASS AVE	9,547	031 - Comm. / Res.	124-2-8
754 MASS AVE	9,616	340 - Office	124-2-7
792 MASS AVE	9,075	340 - Office	124-1-3
800 MASS AVE	5,097	340 - Office	124-1-1
1007 MASS AVE	15,174	935 - Improved-Mun	55-2-15
1011 MASS AVE	4,695	105 - Three Fam.	55-2-16
1013R MASS AVE	4,488	101 - One Family	55-2-17
1017 MASS AVE	8,120	104 - Two Family	55-2-18
1025 MASS AVE	47,085	112 - Apts. 8 Plus	55-2-20
1087-1089 MASS AVE	8,031	105 - Three Fam.	56-2-7
1090 MASS AVE	6,450	013 - Res. / Comm.	148-4-4
1122 MASS AVE	7,245	013 - Res. / Comm.	148-3-2

Full Address	GIS SqFt	Landuse Description	Parcel ID
1145 MASS AVE	8,258	355 - Funeral	57-2-18
1171 MASS AVE	11,378	031 - Comm. / Res.	57-2-15.A
1173 MASS AVE	3,998	105 - Three Fam.	57-2-15.B
1471 MASS AVE	2,457	105 - Three Fam.	62-1-2
1491-1493 MASS AVE	5,484	104 - Two Family	62-1-3.B
1497 MASS AVE	3,206	101 - One Family	62-1-6
1500-1502 MASS AVE	7,611	013 - Res. / Comm.	174-2-9
1501 MASS AVE	2,954	101 - One Family	62-1-7
1507-1511 MASS AVE	8,254	013 - Res. / Comm.	62-1-8
1508-1510 MASS AVE	1,636	326 - Restaurant	174-2-11.A
1513-1515 MASS AVE	4,059	104 - Two Family	62-1-10
1516 MASS AVE	5,080	101 - One Family	174-1-6
1517-1519 MASS AVE	4,679	106 - Accessory Land	62-1-11.A
1520 MASS AVE	5,171	013 - Res. / Comm.	174-1-5
1521-1523 MASS AVE	4,808	104 - Two Family	62-1-12.A
1530 MASS AVE	7,006	104 - Two Family	174-1-3
0LOT MEDFORD ST	1,188	132 - Undevelopable Land	46-1-14
58-60 MEDFORD ST	10,802	340 - Office	46-1-13
7-9 PALMER ST	6,213	111 - Apts. 4-8	31-1-2
22 PLEASANT ST	8,443	102 - Condo	11.A-2-1
40 PLEASANT ST	4,468	102 - Condo	11.A-4-40.1 / 11.A-4-40.2
42 PLEASANT ST	4,468	343 - Condo-Comm	11.A-4-42.A
10 POND LN	3,107	101 - One Family	10-4-1.B
0LOT QUINN RD	9,593	337 - Parking Lot	57-2-19
2 SWAN ST	8,443	102 - Condo	11.A-2-2
4 SWAN ST	8,443	102 - Condo	11.A-2-3
5 SWAN ST	4,792	102 - Condo	11-4-2.B
7 SWAN ST	4,792	102 - Condo	11-4-2.A
10 SWAN ST	7,385	102 - Condo	11.A-2-10.1 / 11.A-2-10.2
13 SWAN ST	4,296	102 - Condo	11.A-4-13
15 SWAN ST	4,296	102 - Condo	11.A-4-15
16 SWAN ST	4,663	111 - Apts. 4-8	11-2-10.A
6-8 WATER ST	5,966	105 - Three Fam.	50-6-3
12 WATER ST	6,272	102 - Condo	50.A-6-12.1 / 50.A-6-12.2 / 50.A-6-12.3
6 WHITTEMORE ST	4,272	102 - Condo	10-2-15.A
8 WHITTEMORE ST	4,272	102 - Condo	10-2-15.B

**B District Lot Regulations – excerpt from 5.5.2.A**

District / Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	6,000	2,500	60
Mixed-use	5,000	-----	50
Any other permitted use	5,000	2,500	50
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	6,000	2,500	60
Apartments on street w/ ROW ≤50 ft.	20,000	1,450	100
Apartments on street w/ ROW >50 ft.	20,000	700	100
Mixed-use ≤20,000 sq. ft.	-----	-----	50
Mixed-use >20,000 sq. ft.	>20,000	700	50
Any other permitted use	-----	-----	50

**B District Yard and Open Space Requirements – excerpt from 5.5.2.A**

District / Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Mixed-use	20	10	*
Any other permitted use	20	10	*
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW ≤50 ft.	15	10+(L/10)	*
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	
Mixed-use ≤20,000 sq. ft.	0	0	*
Mixed-use >20,000 sq. ft.	0	0	*
Any other permitted use	-----	-----	*

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

\* 0 feet when abutting an alley or rear right-of-way of at least 10 feet of width

\* 10 feet when abutting a non-residential district

\* 20 feet for three or fewer stories when abutting a residential district

\* For buildings of four or more stories: 20 feet for the first three stories and 30 feet for the fourth and higher stories when abutting a residential district

\* If the rear yard abuts both a residential and non-residential district, the minimum requirement for the residential district shall apply.

**B District Open Space and Lot Coverage – excerpt from 5.5.2.A**

District / Use	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Mixed-use	20%	---	-----
Any other permitted use	20%	---	-----
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW =<50 ft.	10%	25%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	15%	---	-----
Mixed-use >20,000 sq. ft.	15%	---	-----
Any other permitted use	15%	---	-----
Note: In the Business Districts, the district dimensional requirements for Landscaped Open Space and Usable Open Space are calculated based on the lot size.			

**B District Building Height and Floor Area Ratio Regulations – excerpt from 5.5.2.A**

District / Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	35	2 ½	0.75
Mixed-use	35	3	0.75
Any other permitted use	35	3	0.75
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	35	2 ½	0.75
Apartments on street w/ ROW =<50 ft.	35	3	0.80
Apartments on street w/ROW >50 ft.	40	4	1.20
	25		
Mixed-use <= 20,000 sq. ft.	60	5	3.00
	50	4	
Mixed-use >20,000 sq. ft.	50	4	2.00
	40	3	
Any other permitted use	35	3	1.00



## Use Regulations for Business Districts – excerpt from 5.5.3.

Class of Use	B1	B2A
<b>Residential</b>		
Single-family detached dwelling		
Two-family dwelling, duplex dwelling		
Six or more single-family dwellings or six or more units in two-family dwellings or duplex dwellings on one or more contiguous lots	SP	SP
Three-family dwelling	SP	SP
Townhouse	SP	SP
Apartment building		SP
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building	SP	
Single-room occupancy building	SP	
Group home	Y	Y
Hotel/Motel		SP
Conversion of one or two-family dwelling to bed and breakfast	SP	SP
Assisted living residence		
Dormitory ( <i>Note: See Section 3.5 if use is for educational or religious purposes.</i> )	Y	Y
<b>Institutional, Educational</b>		
Community center, youth club, adult education center, or similar facility operated by a non-profit institution ( <i>Note: See Section 3.5 if use is for educational or religious purposes.</i> )	SP	
Nonprofit, members-only private club or lodge	SP	SP
Non-exempt educational use, e.g., trade, driving, music, dancing school		Y
Library, museum, or art gallery open to the public and not conducted as a private gainful business. ( <i>Note: See Section 3.5 if use is for educational or religious purposes.</i> )	SP	SP
<b>Agricultural</b>		
Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse		Y
Farm on less than 5 acres unless otherwise exempt under <a href="#">G.L. c. 40A, §3</a> , or market garden provided that all goods or produce sold are grown on the premises	Y	Y
<b>Public, Recreational, Entertainment</b>		
Conservation land	Y	Y
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility not conducted as a private gainful business		
Municipal or non-profit recreation building	Y	Y
Municipal or non-profit enclosed entertainment and recreation facilities		SP
Fire station	Y	Y
Police station	Y	Y
<b>Public, Recreational, Entertainment</b>		
Town office building	Y	Y
Municipal public works yard and associated maintenance, storage, and office facilities	SP	SP
<b>Utility, Transportation, Communications</b>		
Bus, transit, railroad station		SP
Motor freight terminal		
Essential services	SP	SP
Radio or television studio or receiving facility without wireless transmitting facilities	Y	SP

Class of Use	B1	B2A
Municipal or other public parking area or structure	SP	SP
Commercial parking or vehicle storage facility, with no repairs, servicing or sale of gasoline		SP
Residential surface parking lot serving residential uses in another district provided that: <ul style="list-style-type: none"> <li>The lot used for parking abuts the residential property it serves for at least 50 ft.; and</li> <li>Both lots are under common ownership; and</li> <li>The parking lot complies with the screening provisions of Section 6.1</li> </ul>	SP	SP
Wireless Communication Facility		
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP
In a building other than a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP
In building other than Town building, use of which is exempt under <a href="#">G.L. c. 40A, § 3</a> ; wireless facility shall not extend above the highest point of the building	SP	
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y
<b>Commercial &amp; Storage Uses</b>		
Motor vehicle sales and rental, sale of auto parts, and accessory storage entirely within an enclosed structure, provided the neighborhood is protected from noise, fumes, gases, smoke and vapor		
Outdoor sales and storage of undamaged, operable automobiles		
Auto repair shop, not including a junkyard or open storage of abandoned vehicles, body work or auto painting		
Car wash facility		
Auto service station		
<b>Personal, Consumer and Business Services</b>		
Copy center or print shop for sheet-fed printing		Y
Bank, credit union or other financial service; <2,000 sq. ft.		Y
2,000 sq. ft. or more, or any drive-up banking service		SP
Personal service establishment		Y
Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time		Y
<b>Personal, Consumer and Business Services</b>		
Consumer service establishment	SP	Y
• With more than 5 employees on site at the same time		SP
Funeral Home	Y	SP
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building		Y
<b>Eating &amp; Drinking Establishments</b>		
Restaurant		
< 3,000 sq. ft. gross floor area	SP	Y
=> 3,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP
Restaurant, Fast-Order Food		
< 1,500 sq. ft. in gross floor area		Y
=> 1,500 sq. ft., and any restaurant that is principal use on lot greater than 10,000 sq. ft. or more		SP
Restaurant, Drive-In Food Service		
Catering service		SP
<b>Retail</b>		
Retail, general, >3,000 sq. ft. gross floor area		SP
Retail, local; <3,000 sq. ft.		Y

Class of Use	B1	B2A
Manufacture, assembly, packaging of goods provided that at least 50% of such goods are sold at retail primarily on the premises		
<1,000 sq. ft.		Y
=>1,000 sq. ft.		SP
Marijuana Delivery-Only Retailer <sup>1</sup>		
Marijuana Retailer		SP
<b>Office Uses</b>		
Including but not limited to professional, business, or medical offices:		
• Less than 3,000 sq. ft. gross floor area per building	SP	Y
• 3,000 sq. ft. or more gross floor area per building		SP
• Office, display or sales space with no more than 25% of floor space used for assembly, packaging or storage of commodities		SP
• In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on street with ROW of at least 50 ft.	SP	
• With ROW less than 50 ft.	SP	
<b>Wholesale Business &amp; Storage</b>		
Wholesale business in enclosed facility		SP
Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises, based on business receipts		
Open or enclosed storage of vehicles		
<b>Commercial Entertainment, Amusement, Assembly Uses</b>		
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP
Outdoor entertainment and recreation facilities		SP
Enclosed entertainment and recreation facilities conducted for a profit		SP
Indoor Motion Picture Theater		SP
Adult Uses		
<b>Research, Laboratory, Related Uses</b>		
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area	SP	SP
Research and development establishment		SP
Marijuana Research and Testing Facility		SP
<b>Light Industry</b>		
Laundry or dry cleaning plant		
Printing, binding, engraving plant		
Contractor's or Building Tradesman's yard		
Stone cutting, shaping, finishing in enclosed facility		
Truck service and repair		
Light manufacturing provided dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor in enclosed facility or disposed of properly and provided no noise or vibration is perceptible without instruments at a distance greater than 50 feet		
Marijuana Production Facility		
<b>Other Principal Uses</b>		
Medical Marijuana Treatment Center		SP
Artisanal fabrication	SP	SP
Artistic/creative production	SP	Y
Mixed-use	SP	SP

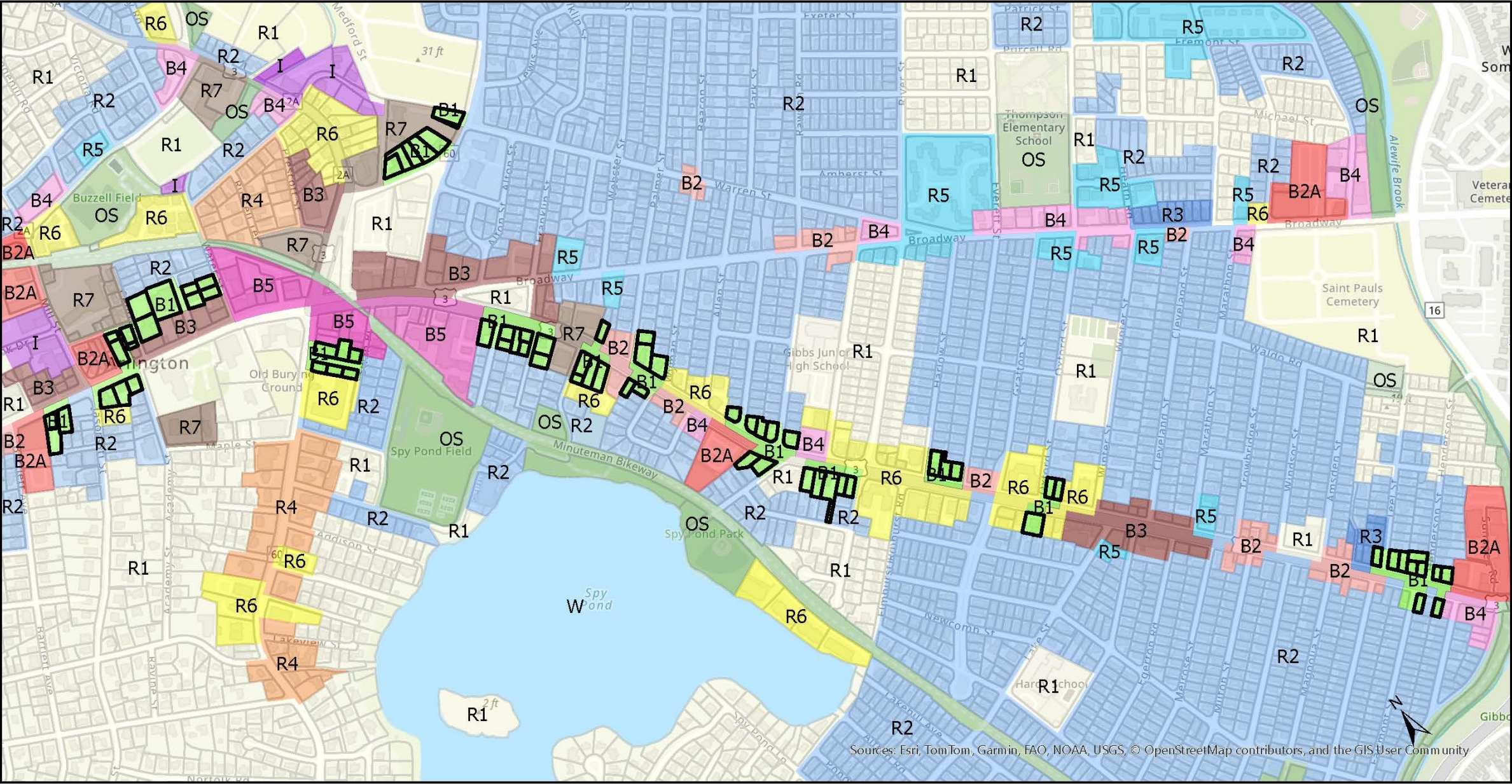
<sup>1</sup> See Section 2 definition of "Marijuana delivery-only retailer" for further information.

Class of Use	B1	B2A
<b>Accessory Uses</b>		
Accessory Dwelling	Y	Y
Renting of up to three rooms	Y	Y
Accessory private garage for noncommercial motor vehicles	Y	Y
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard		
Accessory structure not used as part of business	Y	Y
Home occupation or office	Y	Y
Physician or Clergy office within a residence with up to 1 nonresident employee	Y	Y
Family child care <sup>2</sup>	Y	Y
<b>Accessory Uses</b>		
Accessory retail or office use in apartment building over 20,000 square feet in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building		Y
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building		Y
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y
The storage or keeping of not more than one commercial vehicle:		
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles	SP	Y
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town	SP	Y
Accessory outdoor storage; storage area not exceeding 25% of the lot coverage of the principal building.	SP	SP
Temporary food or beverage concession for profit at an event	Y	Y
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y
Other accessory use customarily incidental to permitted primary use	SP	SP
Activities accessory to a permitted use that are necessary in connection with scientific research	SP	SP
Up to three dwelling units in a building containing a business or service use	SP	SP
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	Y
Cable television studio and/or head end site including antenna and satellite reception facility		SP
Catering service	Y	Y

<sup>2</sup> When in compliance with the Commonwealth of Massachusetts Standards for the Licensure or Approval of Group Day Care Centers, and subject to and in compliance with the Arlington Redevelopment Board Rules and Regulations.

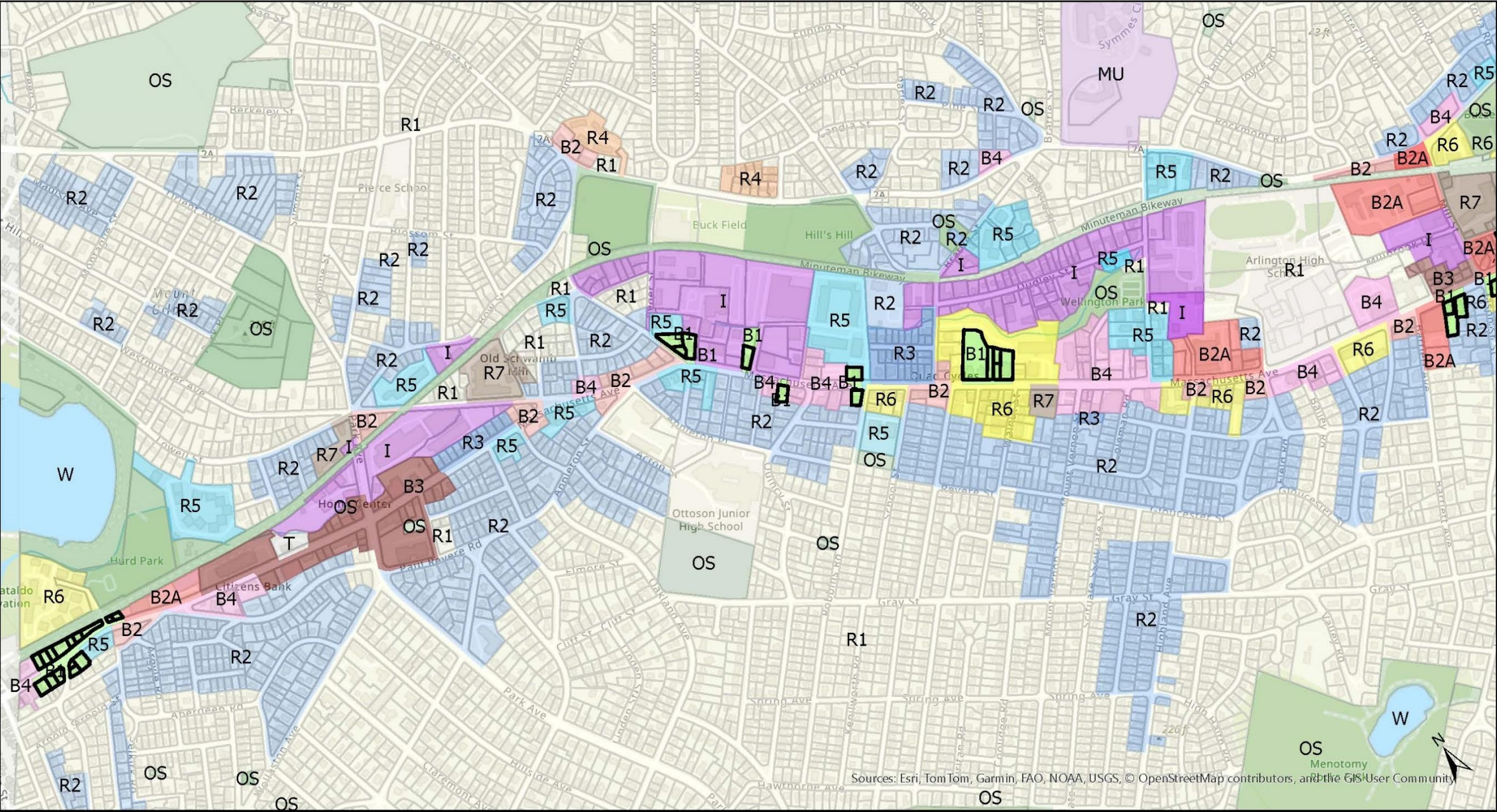


Zoning Along Mass Ave  
East Arlington to Town Center



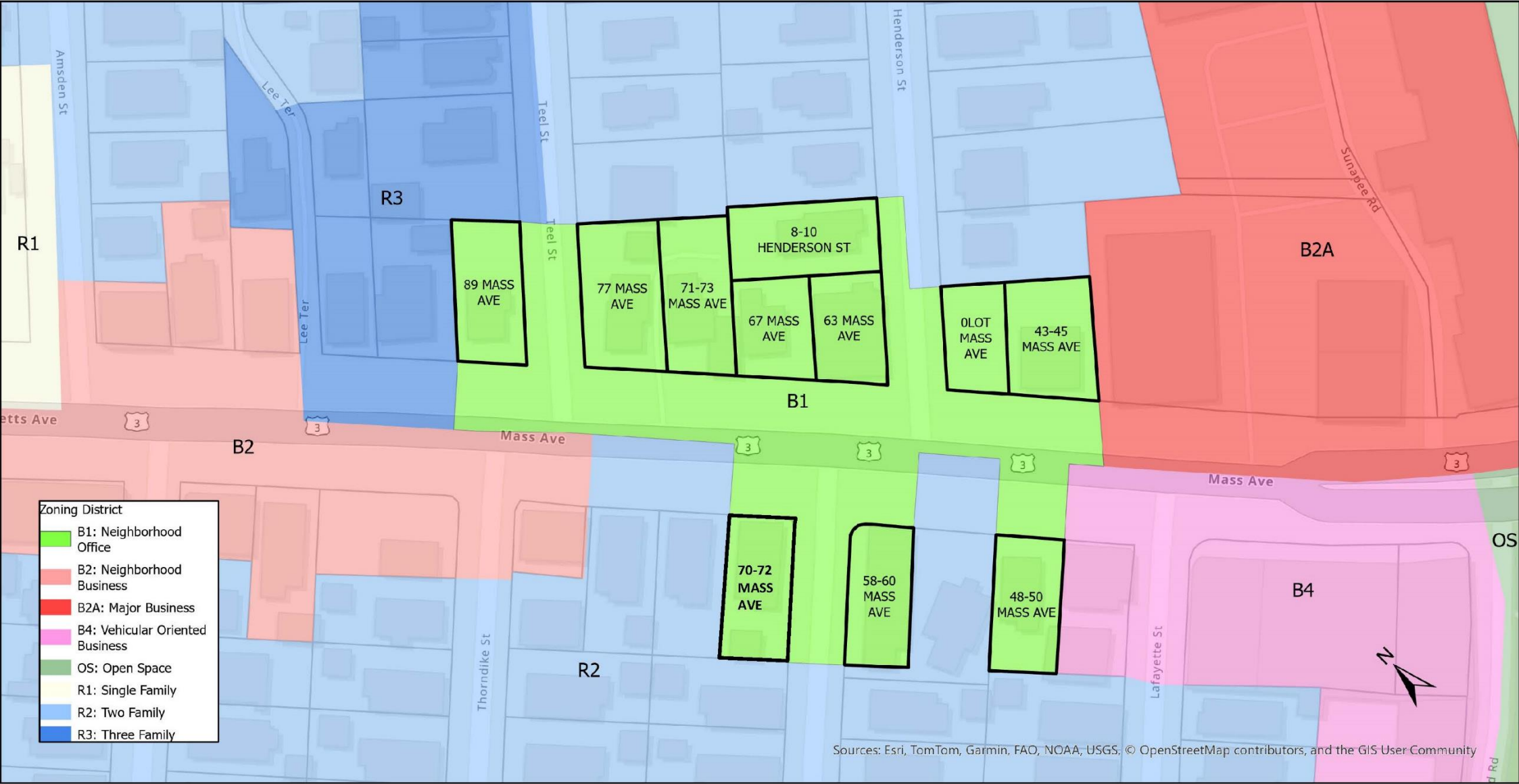


Zoning Along Mass Ave  
Town Center to Arlington Heights

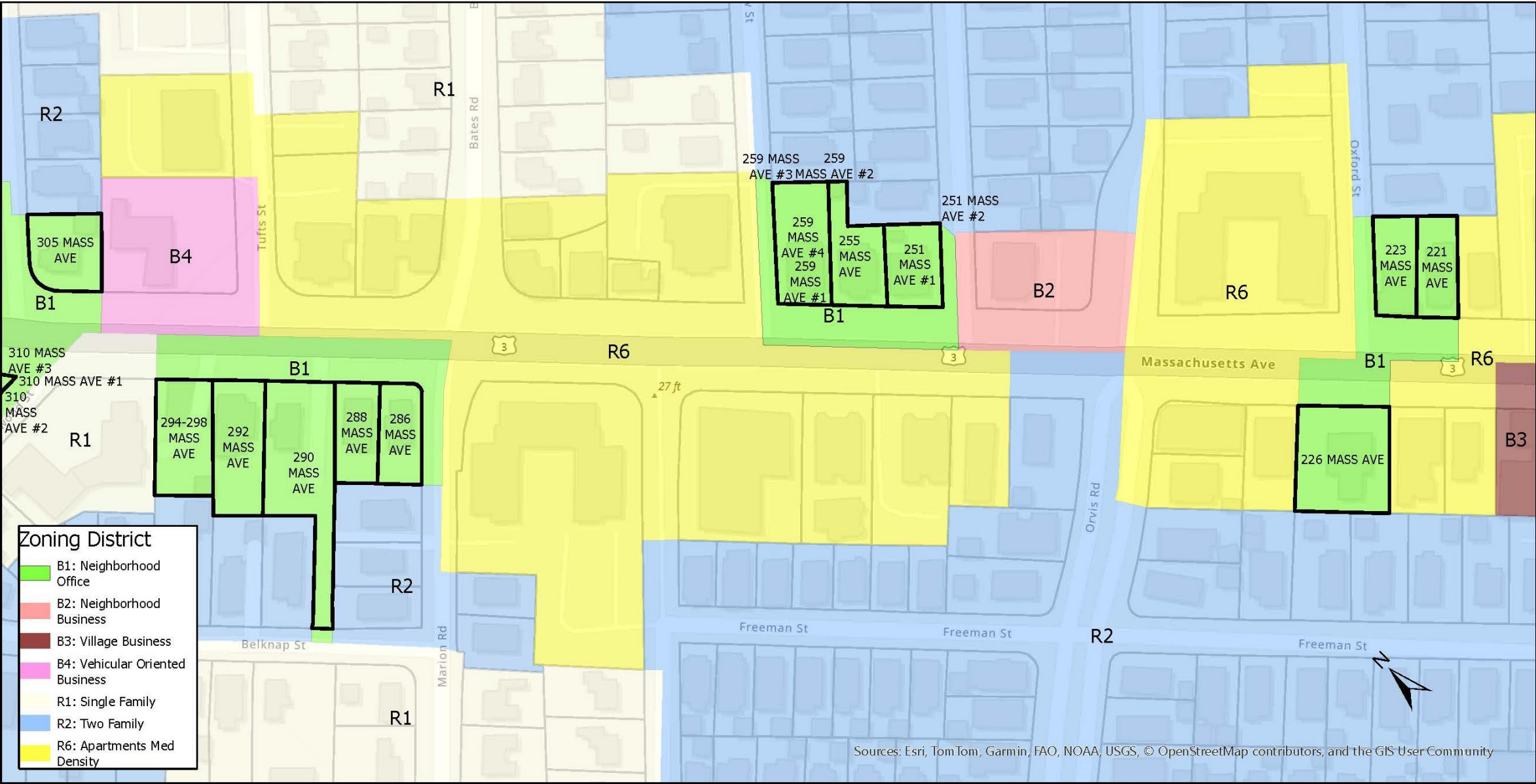




# B1 Zoned Parcels 43-89 Mass Ave

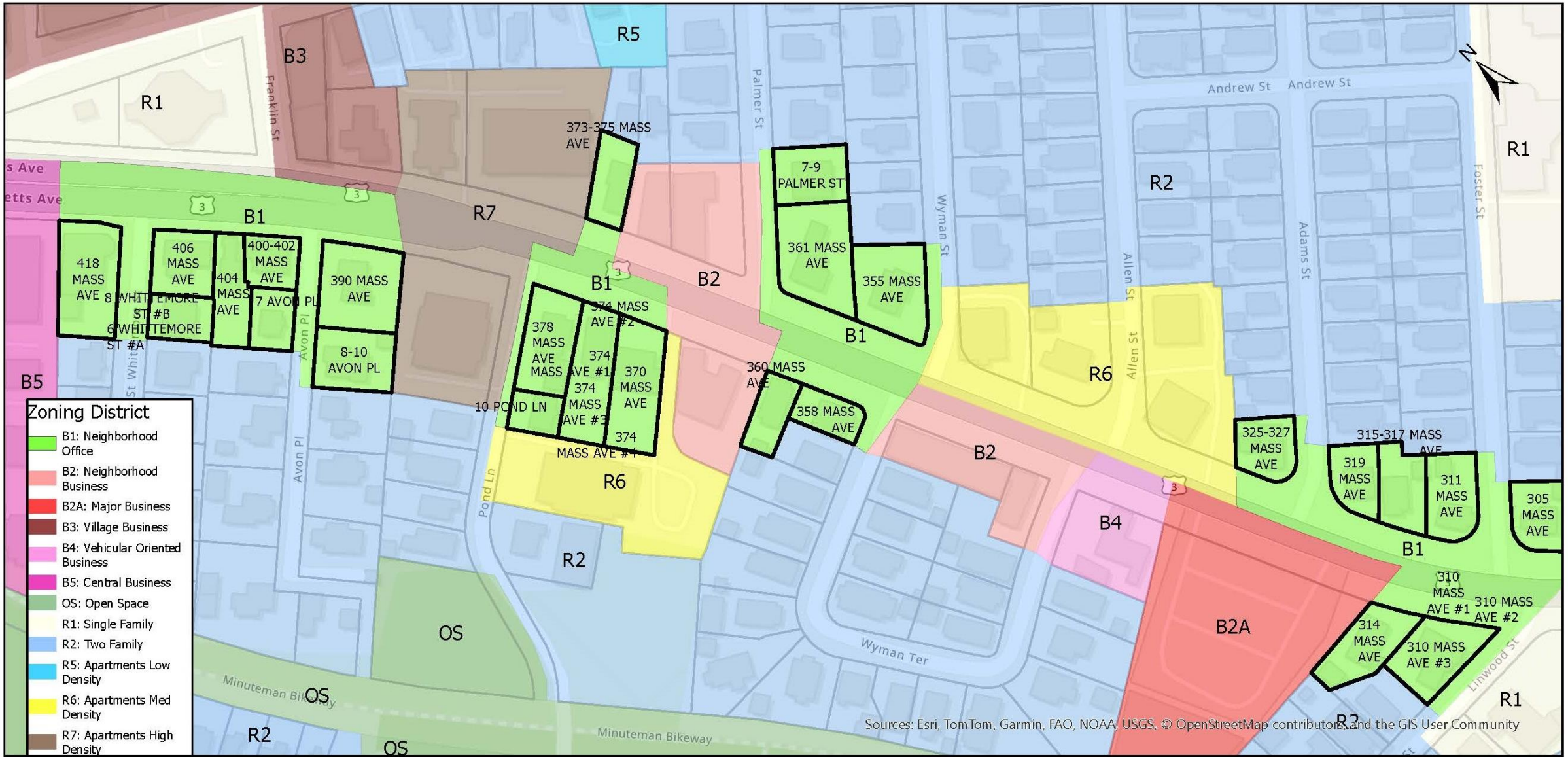


# B1 Zoned Parcels 221-305 Mass Ave



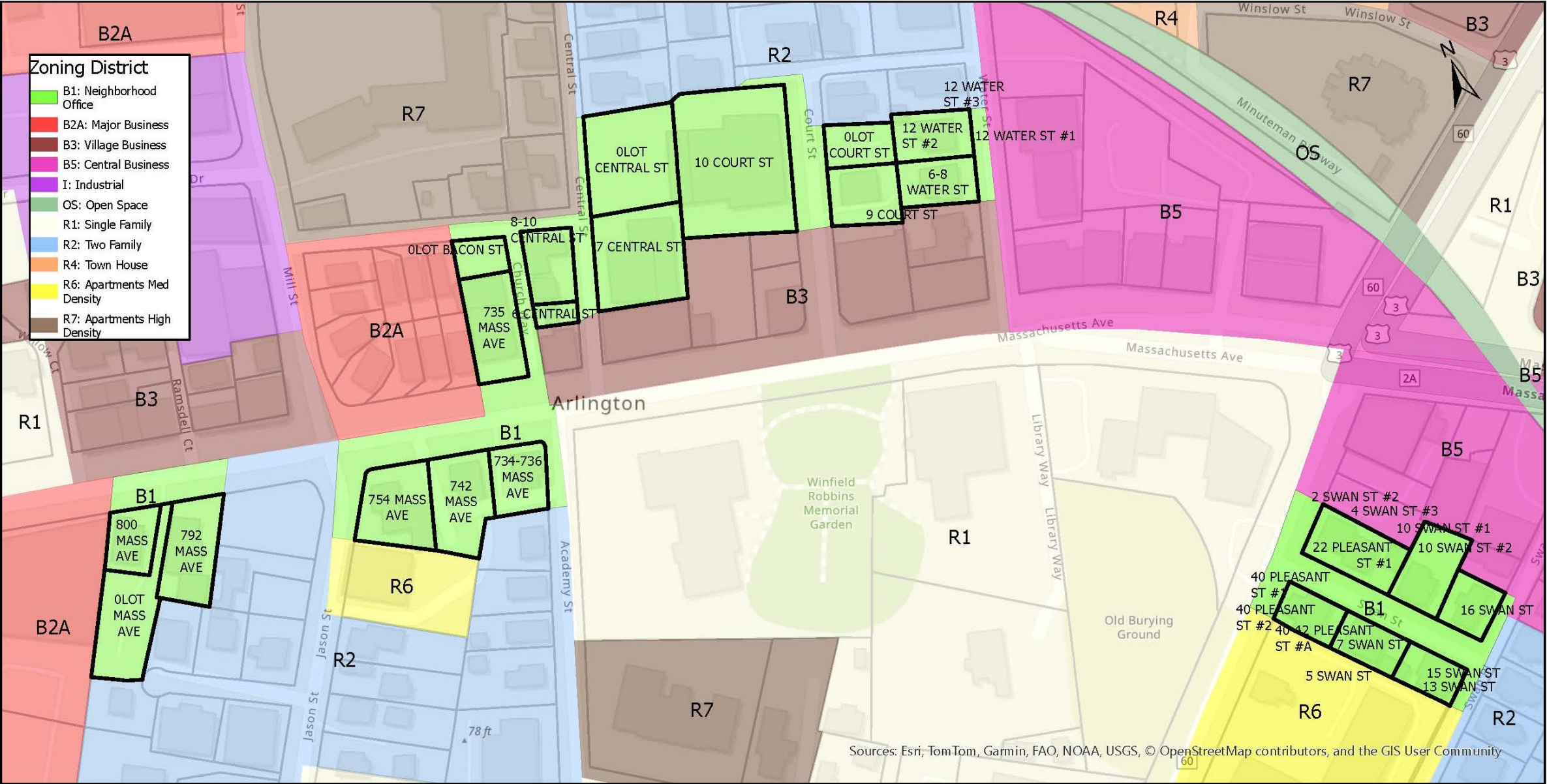


# B1 Zoned Parcels 305-418 Mass Ave



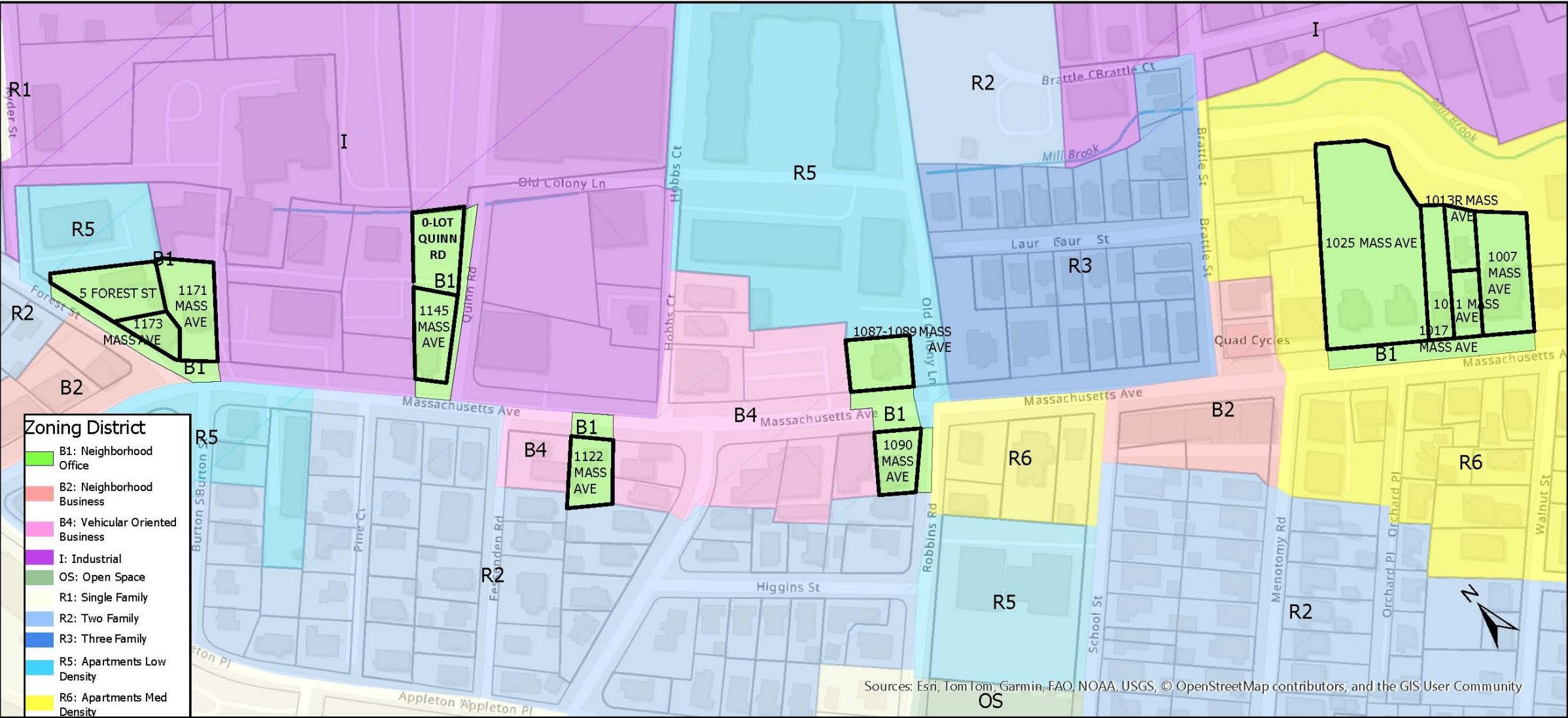


B1 Zoned Parcels  
734-800 Mass Ave  
Swan, Winter, Court, and Central St

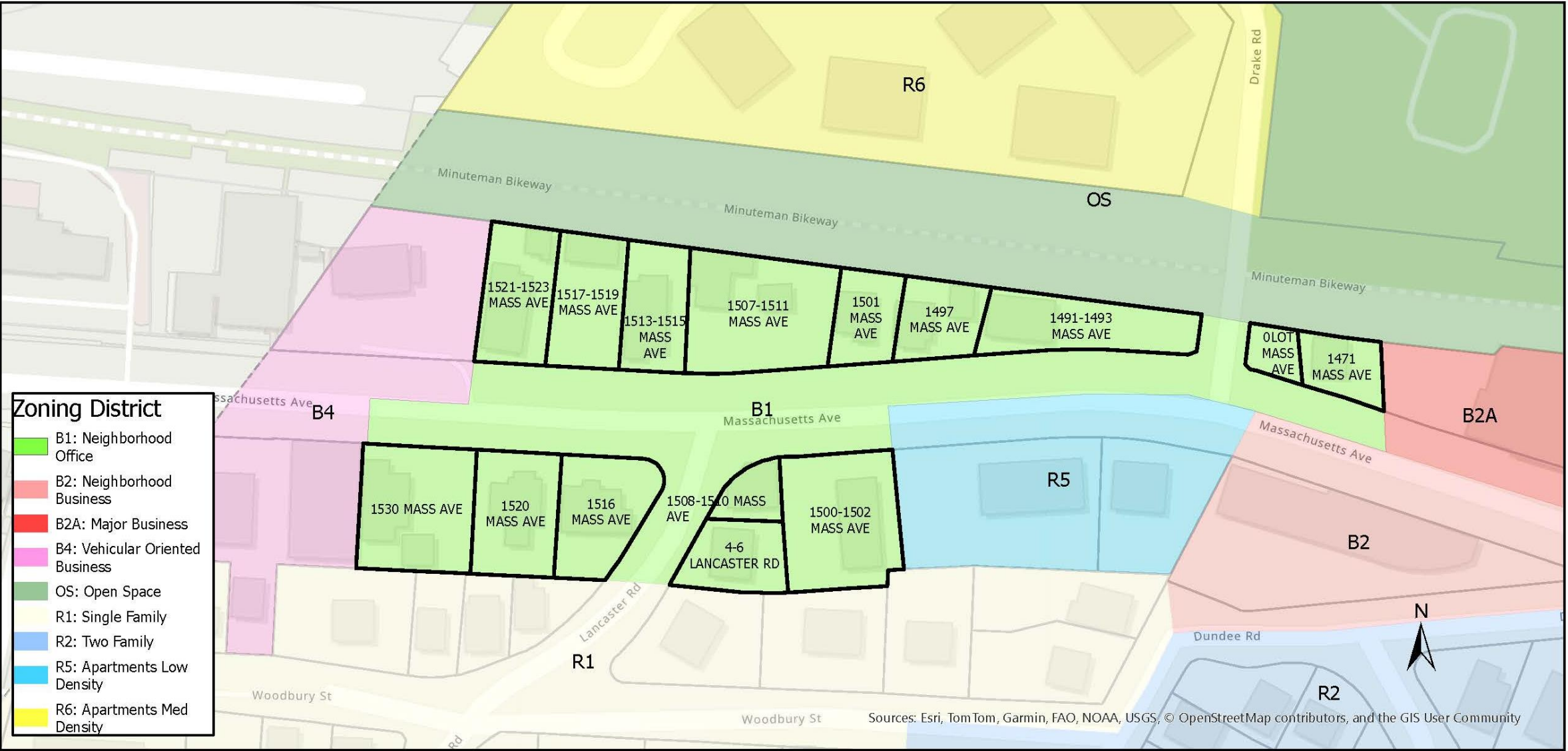




# B1 Zoned Parcels 1007- 1171 Mass Ave

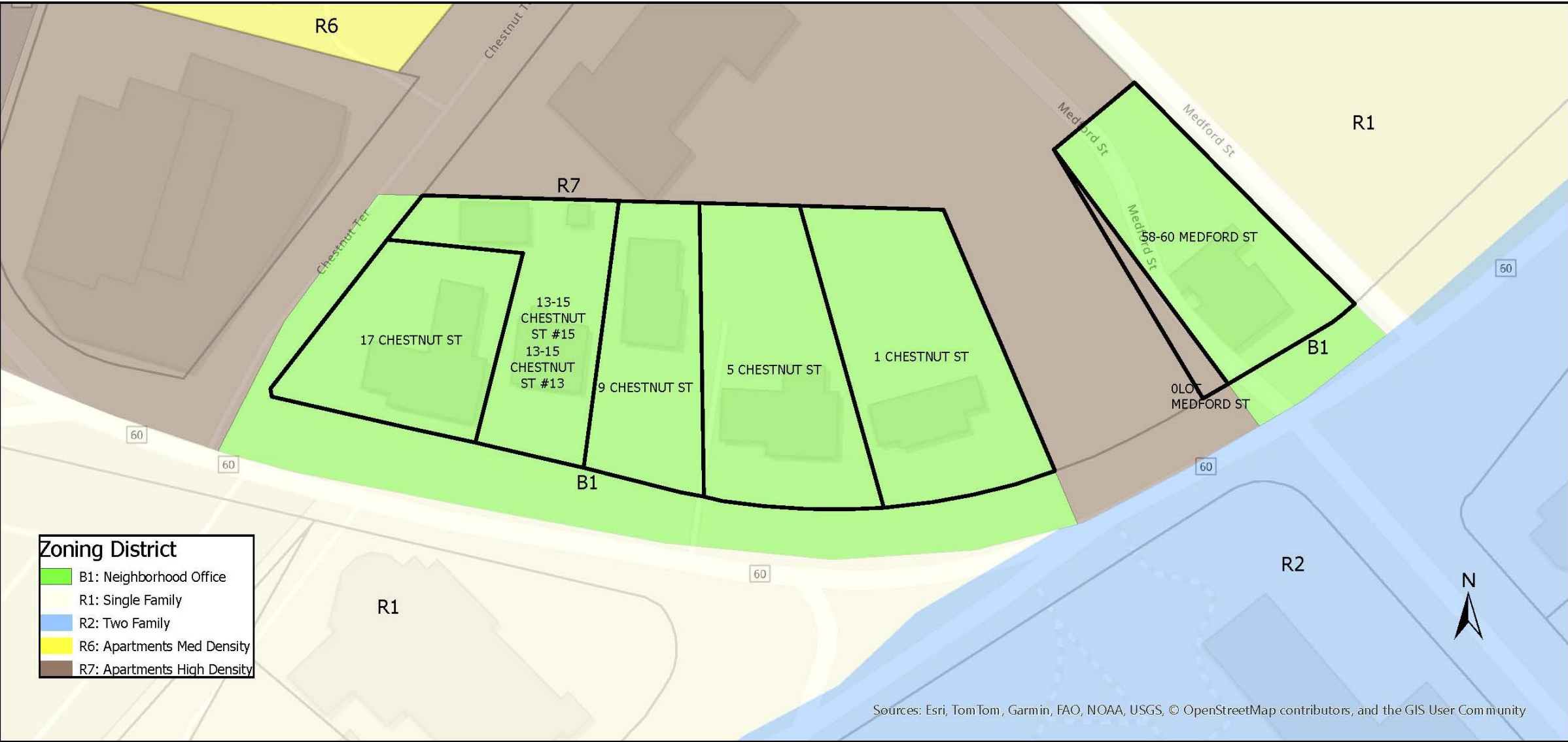


# B1 Zoned Parcels 1471-1530 Mass Ave





# B1 Zoned Parcels Medford and Chestnut St.





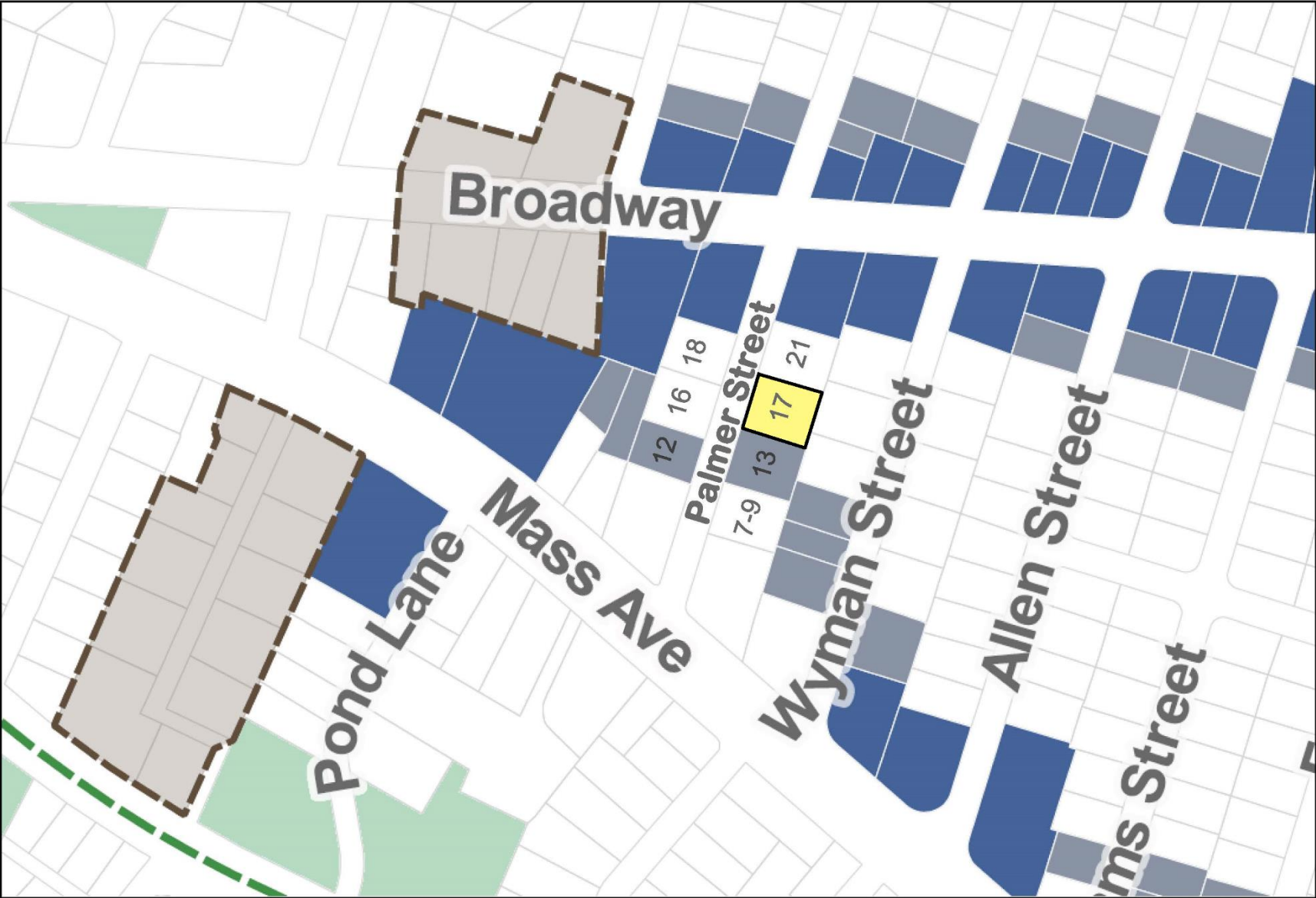




Multi-Family Housing Overlay Districts

- Mass Ave/Broadway Multi-Family Overlay District
- Neighborhood Multi-Family Overlay District

- Existing Context
- Open Space
  - Bike Trails / Multi-Use Paths
  - Local Historic Districts



# Model Zoning for Accessory Dwelling Units

Version 1.1  
March 19, 2025

Prepared by the Metropolitan Area Planning  
Council (MAPC) on behalf of the Executive Office  
of Housing and Livable Communities (EOHLC)  
and the Massachusetts Housing Partnership (MHP)





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# Introduction

On August 6, 2024, Massachusetts passed the Affordable Homes Act, which, among other provisions, allows for certain Accessory Dwelling Units (ADUs) across the state by-right. ADUs are intended to help address the housing crisis that Massachusetts is facing by increasing the state's housing stock with low-impact, diverse, and less expensive options. The law aims to increase the production of and access to ADUs while maintaining municipal regulatory powers. The Legislature accomplished this goal by enshrining by-right ADUs as one of a handful of specifically protected uses exempt from certain municipal zoning regulations in M.G.L. c. 40A (the Zoning Act), § 3.

Section 3 of the Zoning Act, as amended by Section 8 of Chapter 150 of the Acts of 2024 (Statute), and the regulations under 760 CMR 71.00 : Protected Use Accessory Dwelling Units (Regulations) strike a balance between preventing local prohibition of ADUs and honoring legitimate municipal interests that are typically expressed in local zoning by:

- Protecting ADUs up to size limitation of up to 900 square feet under the Zoning Act;
- Providing for by-right approval of ADUs in areas where residential housing in the form of a Principal Dwelling is provided ;
- Prohibiting owner-occupancy requirements;
- Prohibiting parking requirements near transit;
- Allowing for flexibility of ADU types (e.g., attached, detached, or internal); and
- Enabling ADUs to be approved as-of-right by Building Permit or Special Permit where needed.

Also known as the Dover Amendment, Section 3 of the Zoning Act reflects the Legislature's determination that specific uses should be given more favorable treatment under local zoning than other uses. As such, no municipal zoning by-law or ordinance may prohibit, regulate, or restrict the use of land or structures for land uses like childcare, agriculture, religious facilities, solar energy systems, and now ADUs. The Dover Amendment allows for reasonable restrictions that effectively address legitimate municipal interests without, in this case, significantly reducing or limiting how property owners can use their land or buildings for Accessory Dwelling Units.

## A Guide for Municipalities

This document provides model zoning ("Model Zoning") and guidance for municipalities to regulate Accessory Dwelling Units in accordance with the Statute and Regulations. It is meant to be a resource for municipalities that choose to update their existing zoning for ADUs or craft new zoning.

## Protected Use ADUs and Local ADUs

The Regulations were promulgated by the Executive Office of Housing and Livable Communities ("EOHLC") and published in the Massachusetts Register on January 31, 2025, following a public hearing and public comment period. The Regulations created a new definition for Protected Use ADUs, which are ADUs that, because of the new protections afforded to them by the Legislature, must be allowed by-right on Lots with a Principal Dwelling in any zoning district where Single-Family Residential Dwellings are a permitted use. However, municipalities might already have zoning by-laws or ordinances that apply to existing ADUs and/or ADUs that fall outside the parameters of the Statute and Regulations. In effect, municipalities may have zoning rules for Protected Use ADUs and other types of ADUs that are locally defined by that city or town. These "Local ADUs" are optional and apply to all other ADUs that aren't Protected Use ADUs. They have rules that are specific to that town or city. These Local ADUs may be allowed in addition to a Protected Use ADU, at the discretion of the town or city.

This Model Zoning is written to permit Protected Use ADUs and offers some suggestions for where regulations for Local ADUs may be added. Should a municipality also permit Local ADUs in addition to the Protected Use ADUs they may need to include language throughout to regulate those additional units.

## Document Guide

In this document, we outline how municipalities can define and administer zoning to encourage the production of ADUs with the goal of increasing the production of housing to address local and individual housing needs for households at all stages of life. Municipal zoning for ADUs will look different depending on local conditions, such as existing residential density and development patterns, access to transit, environmental factors, and more. As such, the Model Zoning may suggest different approaches for certain situations so zoning language can be tailored to the individual municipality's needs.

The following document contains:

1. **An annotated version of the Model Zoning** with commentary to guide local decision-making. For each element of the Model Zoning, commentary is broken down into three buckets: "Do," "Proceed with Caution," and "Don't." The text of the Model Zoning is shown in *italics*. Text between brackets – [sample text] – indicates optional text that may be tailored to a municipality's specific needs.
  - a. **Do:** Refers to items that municipalities should, or are required to, include in their zoning to comply with this law.
  - b. **Proceed with Caution:** Refers to items that, while may be technically allowed under the Statute and accompanying Regulations, require further assessment based on local conditions and priorities before including.
  - c. **Don't:** Refers to items that should be avoided, otherwise they may render the zoning unenforceable.
2. **A clean version of the Model Zoning** that can be incorporated, with appropriate modifications based on the needs of the municipality, to a city or town's zoning ordinance or by-law.

**3. Appendices**, including a Checklist for Municipal Planners and Design Standards for ADUs located in historic districts.

The **Model Zoning should be adopted with modifications based on the needs of the municipality implementing it** to avoid inconsistencies with their existing zoning. Commentary in the annotated version of the Model Zoning provides guidance for those modifications and more information about the language within the sections.

Municipalities are **strongly encouraged to discuss draft zoning with municipal legal counsel** before adoption to review for and resolve any potential inconsistencies between the proposed zoning, existing zoning, the Statute, and Regulations.

If you have any questions about this Model Zoning or its commentary, please consult with your local legal counsel, or email EOHLC at [EOHLCADUHomes@Mass.gov](mailto:EOHLCADUHomes@Mass.gov).

For more information and helpful resources, please refer to EOHLC's ADU webpage at [www.mass.gov/ADU](http://www.mass.gov/ADU).

# Model Zoning - Annotated Version

## A. Purpose

The purpose of this Section [X] is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, § 1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
2. Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing gentle/hidden density.
3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

## Annotations: Purpose

Do:
State local priorities in adopting the ADU by-law or ordinance.
Edit examples provided in the Model Zoning as appropriate to reflect intention and relevant municipality characteristics.
Reference the enabling Statute (Section 3 of M.G.L. c. 40A, as amended by Section 8 of Chapter 150 of the Acts of 2024) and accompanying Regulations (760 CMR 71.00).

Proceed with Caution:
In general, be wary of any local purpose that may be at odds with the Statement of Purpose in 760 CMR 71.01 (1): "...increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life."

## Annotations: Purpose, Continued

Don't:
Don't state a purpose that contradicts the intent of the enabling Statute and its accompanying Regulations. For example, including a purpose related to owner-occupancy or familial relationship of occupants contradicts the Statement of Purpose in 760 CMR 71.01 (2).
Don't state a purpose that is in violation of fair housing laws or indicates some form of local preference. For example, including a purpose related to housing for families without children, current residents of municipality, students, income-eligible residents, or housing tenure contradicts the Statement of Purpose in 760 CMR 71.01 (1). Restricting the number of bedrooms in an ADU is also an example of a fair housing violation. Title 5 provisions related to water and wastewater systems may impose limits on the number of bedrooms related to septic capacity but that is outside of zoning capabilities.
Don't state a purpose that indicates ADUs are only for the purpose of Affordable Housing, as this would contradict the Statement of Purpose in 760 CMR 71.01 (1) and impose a prohibited regulation on property owners pursuant to 760 CMR 71.03(2)(c).

## B. Definitions

For purposes of this Section [X], the following definitions shall apply:

1. **Accessory Dwelling Unit (ADU).** A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. [General references to ADUs in this by-law include both Protected Use ADUs and Local ADUs.]
2. **Design Standards.** Clear, measurable and objective provisions of zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU when those same design standards apply to the Principal Dwelling to which the ADU is an accessory.
3. **Dwelling Unit.** A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.
4. **EOHLC.** The Executive Office of Housing and Livable Communities.
5. **Gross Floor Area.** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.
6. **[Historic District.** A district in a municipality established pursuant to M.G.L. c. 40C or other State Law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the municipality pursuant to M.G.L. c. 40C or other state law.]
7. **[Local ADUs.** An ADU that is not a Protected Use ADU but include rules specific to [Municipality or cross-reference any existing or proposed zoning for Local ADUs].
8. **Lot.** An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of zoning.
9. **Modular Dwelling Unit.** A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.
10. **Pre-Existing Nonconforming Structure.** A structure that does not conform to zoning.



**11. Principal Dwelling.** A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

**12. Protected Use ADU.** An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller [ or a larger Gross Floor Area, if allowed by the Municipality], provided that only one ADU on a Lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

**13. [Short-Term Rental.** An owner-occupied, tenant-occupied, or non-owner occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant [for a period of 31 consecutive days or less]; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.]

**14. Single-Family Residential Dwelling Unit.** A structure on a Lot containing not more than one Dwelling Unit.

**15. Single-Family Residential Zoning District.** Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as-of-right, or by Special Permit.

**16. Transit Station.** A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

- a. [A **Bus Station** includes any location serving as a point of embarkation for any bus operated by a transit authority.]
- b. [A **Subway Station** includes any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.]
- c. [A **Commuter Rail** Station includes any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.]
- d. [A **Ferry Terminal** includes any location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.]



## Annotations: Definitions

### Do:

Review the existing definitions in your local zoning by-law or ordinance and add or amend definitions as needed to ensure consistency with the Protected Use ADU enabling Statute and its accompanying Regulations. For example, your municipality may have an existing definition for ADUs that differs from the definition for ADUs in the Zoning Act that you must reconcile to be consistent with the definition of a Protected Use ADU under the Regulations.

Determine which Transit Station definitions are relevant to your municipality and only include those definitions.

Use definitions for key terms set forth in 760 CMR 71.02. For example, using the term and definition for Protected Use ADUs clarifies the difference between Local ADUs and those afforded the protections established by the Zoning Act.

NOTE: Throughout this Model Zoning, we refer to Protected Use ADUs when speaking specifically about these by-right ADUs, and we will refer to Local ADUs when addressing a broader range of ADU types.

All definitions that are added should be put in the existing definitions section of the zoning by-law or ordinance.

### Proceed with Caution:

There may be instances where a municipality wishes to have a broader, more permissive local definition of an ADU than the definition for Protected Use ADU in 760 CMR 71.02. For example, a municipality may already allow ADUs up to 1,200 square feet by-right and want to continue allowing ADUs of that size. 760 CMR 71.03(7) allows a Municipality to provide for more permissive regulations, which means that a Municipality is permitted to provide for Protected Use ADUs that are larger than 900 square feet, so long they are permissible by-right and subject to all protections afforded to a Protected Use ADU.

### Don't:

Don't use words that exist elsewhere in your zoning by-law or ordinance but with different meanings. For example, if your zoning by-law or ordinance already has a definition for ADU in the general definition section, ensure that it matches the definition in the specific ADU section.

Don't use a different meaning for a term that exists in 760 CMR 71.02. For example, using a different meaning for Gross Floor Area could lead to an inaccurate GFA count for regulated Protected Use ADUs.

Don't include definitions in 760 CMR 71.02 that are not relevant to the municipality. For example, do not include the definition for Historic District if your municipality has none.

## C. Regulations

### 1. General Provisions for All ADUs

#### a. Code Compliance

- i. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code .
- ii. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.

## Annotations: Code Compliance

### Do:

Specify that Protected Use ADUs must comply with 310 CMR 15.000 (Title V) as it applies to a Single-Family Residential Dwelling.

### Don't:

Don't try to regulate the Building Code in your zoning by-law or ordinance.

Don't restrict the entrance location of the Protected Use ADU in relation to the Principal Dwelling. Protected Use ADUs can maintain a separate entrance that is either directly from the outside or through an interior entry hall or corridor shared with the Principal Dwelling sufficient to meet safe egress under the Building Code.

Don't include more restrictive requirements in zoning for utilities, safety, and emergency access than is permitted by state requirements, like the Fire Code.

## b. Short-Term Rentals

- i. *[ADUs may be operated as Short-Term Rentals subject to any restrictions or prohibitions by ordinance or by-law adopted by [Municipality] pursuant to M.G.L. c. 64G, § 14.]*
- ii. *[An ADU may be rented as a Short-Term Rental for the purpose of workforce housing for seasonal employees.]*

## Annotations: Short-Term Rentals

### Do:

Adding Short-Term Rental restrictions for ADUs is a local municipal choice. Carefully consider your municipality's context and if allowing Short-Term Rentals for Protected Use ADUs meets local goals and priorities.

Since the Statute references the definition of Short-Term Rental under the Room Occupancy Tax (M.G.L. c. 64G), you may wish to consider incorporating the limitations and exemptions under the Short-Term Rental tax (e.g., the tax only applies to occupancies of up to 31 consecutive calendar days and provides key exemptions such as (i) lodging accommodations provided to seasonal employees by employers and (ii) tenancies at will or month-to-month leases, among other exemptions provided under M.G.L. c. 64G, § 2.)

Consider if allowing Short-Term Rentals supports the purposes outlined in 760 CMR 71.01 and implement the allowance or limitation of Short-Term Rentals accordingly.

### Proceed with Caution:

Consider whether there are situations in which Short-Term Rentals should be handled differently, such as for workforce housing, and other needs that they may address such as with matters pertaining to seasonal communities.

### Don't:

Don't allow Short-Term Rentals for Protected Use ADUs if they will not support local housing needs.

- 2. Protected Use ADUs.** The [Zoning Enforcement Officer] shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

## Annotations: Protected Use ADUs Authorization

Do:
Allow Protected Use ADUs by-right within or on lots with a Principal Dwelling. This includes Single-Family Residential Dwellings, duplexes, triple-deckers, multifamily buildings, and mixed-use residential buildings within a Single-Family Residential Zoning District. When there are already two or more units in a building on a lot, the entire existing structure is considered the Principal Dwelling. For example, a triple-decker would be the Principal Dwelling, not any one unit in the triple-decker.
Allow Protected Use ADUs by-right within or on lots with a Pre-Existing Nonconforming Structure in accordance with 760 CMR 71.03(3)(b)9.
Allow all types of Protected Use ADUs: attached, detached, and internal. Carefully review any existing language about ADUs in your zoning by-law or ordinance, and update if necessary to ensure that there are no overly burdensome placement restrictions for Protected Use ADUs.
Allow the Building Commissioner to approve Protected Use ADUs via Building Permit.
Allow the Zoning Administrator (generally the Planning Director/Staff) to approve Protected Use ADUs via administrative approval.

## Annotations: Protected Use ADUs Authorization, Continued

### Proceed with Caution:

Your municipality may wish to require Site Plan Review for Protected Use ADUs, and this is allowed so long as the review guidelines are clear, objective, and are consistent with an as-of-right process as defined in M.G.L. c. 40A ss. 3 and 1A. Municipalities should consider if Site Plan Review is appropriate in this case, especially if it requires approval of the Special Permit Granting Authority, and whether it is reasonable under the Dover Amendment analysis in 71.03(3)(a).

Don't impose any restrictions on Protected Use ADUs that do not serve a legitimate municipal interest, such as public safety. For example, one can argue that limiting the number of curb cuts on a lot serves a legitimate municipal interest by making conditions safer for pedestrians without imposing unreasonable costs. However, in areas with large lots allowing a separate driveway may make sense.

NOTE: 760 CMR 71.03(3) recites the Dover Amendment analysis that is applied to the regulation of religious and educational institutions and has been extended to other protected uses within M.G.L. c. 40A, § 3. Municipalities should determine if a proposed regulation of a Protected Use ADU is unreasonable under M.G.L. c. 40A, §3. Any regulation must serve a legitimate municipal interest sought to be achieved by local zoning and its application to a Protected Use ADU must relate to the legitimate municipal interest. It also cannot result in the complete nullification of the use or development of a Protected Use ADU, impose excessive costs on the use or development without significantly advancing legitimate municipal interest, or substantially interfere with the use or development without appreciably advancing legitimate municipal interest.

### Don't:

Don't require a Special Permit from the Special Permit Granting Authority for Protected Use ADUs within or on lots with a Principal Dwelling. This includes Single-Family Residential Dwellings, duplexes, triple-deckers, multifamily buildings, and mixed-use buildings within a Single-Family Residential Zoning District.

Special permits are required for any additional ADUs built on a lot with a Protected Use ADU.

## a. Dimensional Standards

- i. Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet [or a larger Gross Floor Area, if allowed by the Municipality] or ½ the Gross Floor Area of the Principal Dwelling, whichever is smaller.
- ii. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling (Section [X]: Dimensional Standards), or accessory structure (Section [X]: Accessory Structures) within the same district, whichever results in more permissive regulation.
- iii. A Protected Use ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling (Section [X]: Dimensional Standards), or Single-Family Residential Dwelling (Section [X]: Dimensional Standards), or accessory structure (Section [X]: Accessory Structures) within the same district, whichever results in more permissive regulation.

## Annotations: Protected Use ADUs Dimensional Standards

Do:
Allow Protected Use ADUs not larger than a GFA of 900 square feet or one-half the GFA of the Principal Dwelling, whichever is smaller, in accordance with 760 CMR 71.02. Also, consider whether allowing for larger Protected Use ADUs would be appropriate for your town or city.
Impose dimensional standards on Protected Use ADUs that are no more restrictive than those required for the Principal Dwelling, a Single-Family Residential Dwelling, or accessory structure within the same zoning district, whichever results in more permissive regulation.  NOTE: To result in the most permissive regulation overall, municipalities should select the most permissive regulation for each dimensional standard when comparing the Principal Dwelling, Single-Family Residential Dwelling, and accessory structure. For example, the most permissive regulation for the Protected Use ADU may include the minimum setbacks for an accessory structure and the maximum height for a Single-Family Residential Dwelling or a duplex (if the Principal Dwelling on a lot is a duplex).
Review existing dimensional standards and consider how they would apply to Protected Use ADUs. Guidance for establishing dimensional standards is provided below.

## Annotations: Protected Use ADUs Dimensional Standards, Continued

### Proceed with Caution:

Consider whether existing dimensional standards in your zoning by-law or ordinance may pose unreasonable restrictions, particularly given the purpose set out 760 CMR 71.01 to increase housing production and provide affordable places to live.

Consider whether restrictions will unreasonably prevent Protected Use ADUs from being built in existing structures such as detached garages or barns.

Given that ADUs are accessory structures, it may be reasonable to require that they not be allowed in the front yard setback in some circumstances. However, there are certain contexts, such as on corner lots, and in lower density or rural areas with large lot sizes, where it may be appropriate to allow, and unreasonable to prohibit under the Dover analysis, ADUs in the front yard.

### Don't:

Don't impose dimensional standards on Protected Use ADUs that are stricter than those required for the Principal Dwelling, a Single-Family Residential Dwelling, or accessory structure within the same zoning district. See the note above for an example.

Don't require lot size minimums for Protected Use ADUs. These are expressly prohibited by 760 CMR 71.03(3)(b)2.

### Process for Establishing Dimensional Standards for Protected Use ADUs:

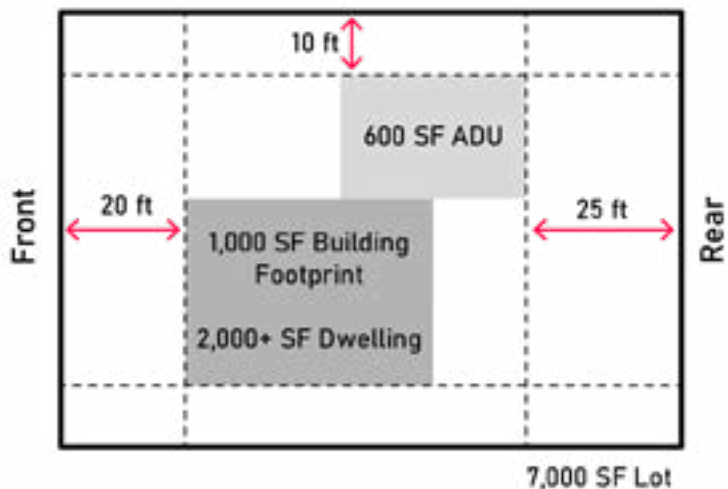
1. Review your municipality's existing dimensional standards that apply to Principal Dwellings, Single-Family Residential Dwellings, or accessory structures within Single-Family Residential Zoning Districts. Consider how these dimensions would apply to Protected Use ADUs to result in the most permissive regulation.
2. Consider if any of your dimensional standards could preclude the creation of ADUs in any of your zoning districts. If this is the case, determine more lenient dimensional standards that would apply specifically to ADUs. The diagrams below provide some examples of this.
3. Consider if your dimensional standards would allow for existing detached structures to be added onto (if appropriate) and converted to Protected Use ADUs. If you see limitations, consider adapting standards to better allow for these additions and conversions.



## For Small Lots:

1. Carefully consider if any of your dimensional standards could limit the development of Protected Use ADUs in denser neighborhoods, or zones with smaller lot sizes.
2. To make Protected Use ADUs easier to develop in denser areas, you may consider exempting them from lot coverage calculations and open space requirements.
3. Review your setbacks, especially rear and side setbacks, to determine if they would limit or preclude the development of Protected Use ADUs. If so, consider decreasing the setbacks for Protected Use ADUs specifically. For example, if the rear setback is 25 feet for Single Family Residential Dwellings, you could allow Protected Use ADUs to follow a 10-foot setback requirement. However, you may want to proceed with caution because you wouldn't be able to restrict the height of the ADU to lower than that for the Principal Dwelling to balance out smaller setbacks.

**Diagram 1: Small Lot - Attached Protected Use ADU**



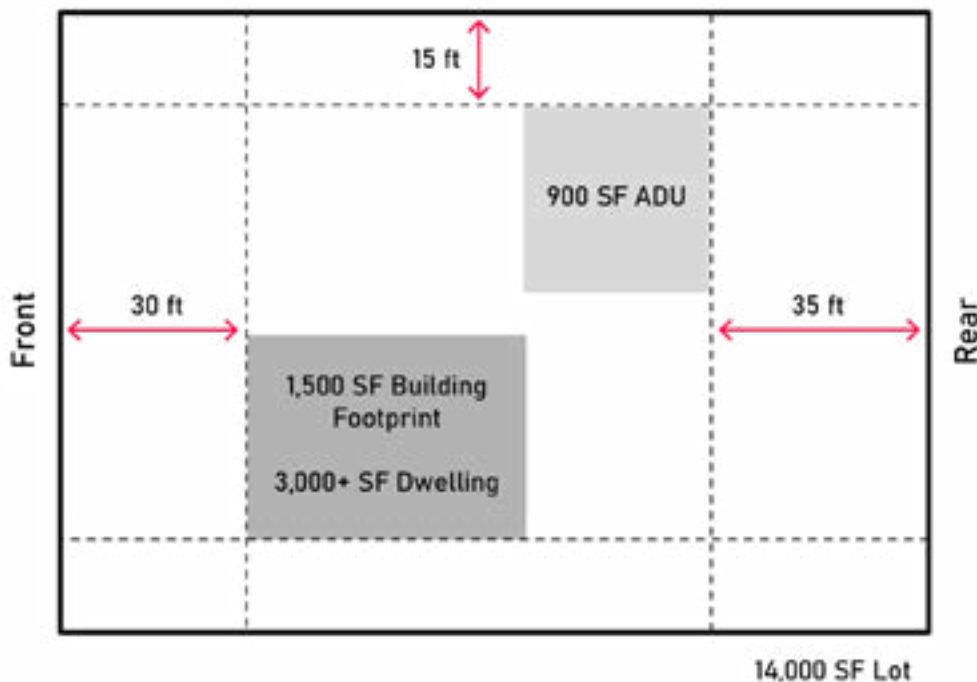
This diagram shows an average lot and setback for a small lot. The existing assumed conditions make it difficult to fit even a 600 square foot attached ADU on the lot. If the lot included a large driveway or a garage, it would be nearly impossible to fit an ADU with the existing setbacks. For municipalities with similar urban areas and/or lot sizes, it is recommended to consider decreased setbacks as applied to ADUs.



## For Medium Lots:

1. Carefully consider if your dimensional standards could limit the development of Protected Use ADUs in both medium- and low-density zones.
2. To make Protected Use ADUs easier to develop in denser areas, you may consider exempting them from lot coverage calculations and open space requirements.
3. Consider allowing smaller setbacks for Protected Use ADUs if your setback requirements are currently too restrictive to leave space for a Protected Use ADU in higher density areas.
4. Consider if your bulk and height restrictions would allow a structure such as a detached garage or carriage house to be converted into a Protected Use ADU. Allowing more flexible bulk and height restrictions will help make these conversions possible in a greater number of circumstances.

**Diagram 2: Medium Lot – Detached Protected Use ADU**

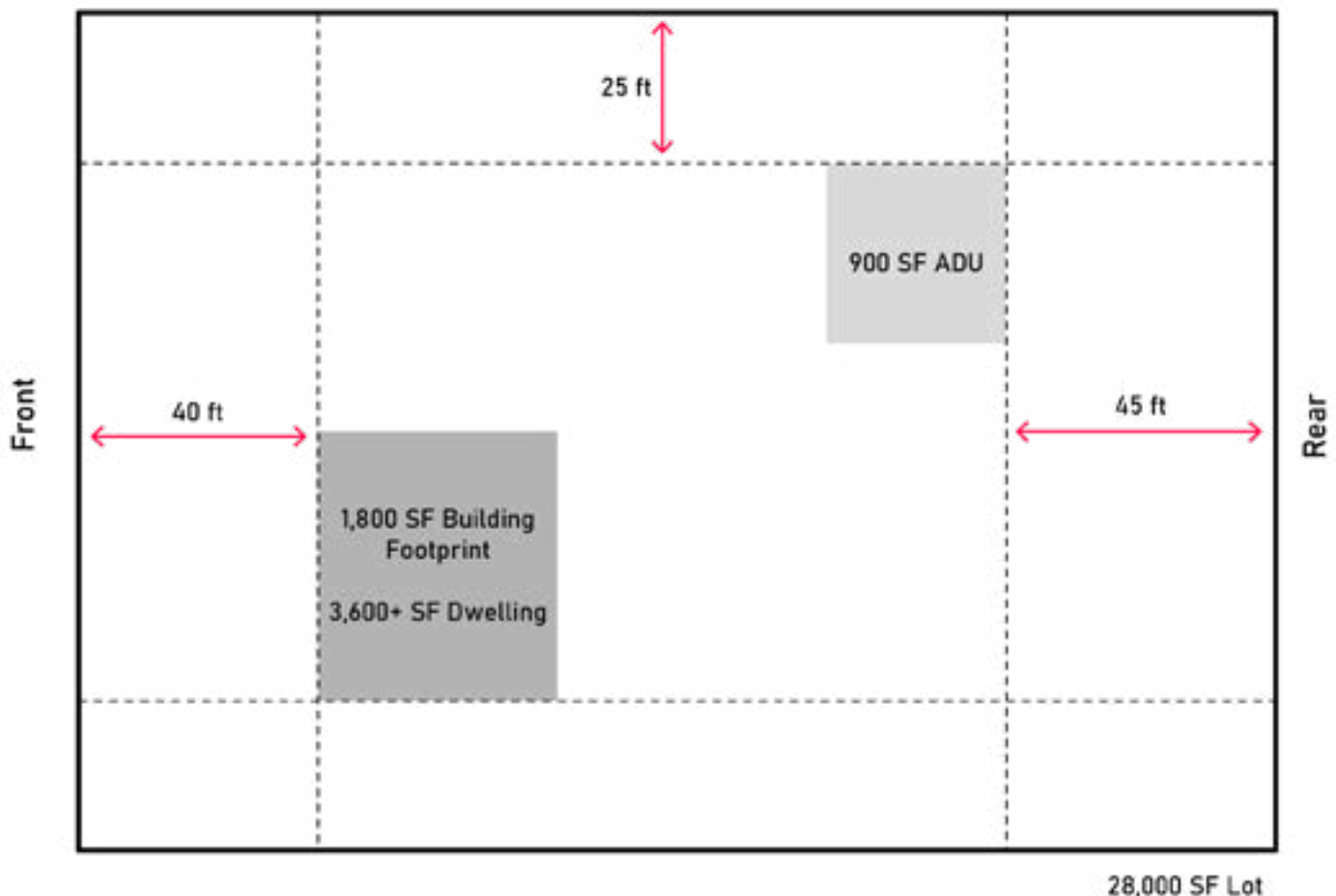


This diagram shows an average medium size lot. The existing assumed conditions can fit a 900 square foot ADU, but if the lot included a larger dwelling, garage or other accessory structure, it would be difficult to fit an ADU as well. For municipalities with similar lot sizes, it is recommended to consider decreased setbacks as applied to ADUs.

## For Large Lots:

1. Carefully consider any larger setback requirements you may have and if they are appropriate for lots with Protected Use ADUs.
2. Even with larger lot sizes, it may not be necessary to have large setback requirements for Protected Use ADUs. Decreasing restrictions could provide greater flexibility to allow for these ADUs without imposing on neighboring properties.
3. Consider current regulations around maximum lot coverage. If your maximum lot coverage requirements are relatively small, or if housing footprints in a given district commonly approach the maximum allowable lot coverage, the requirements may need to be amended so as not to effectively preclude Protected Use ADUs.

**Diagram 3: Large Lot – Detached Protected Use ADU**



This diagram shows an average lot and setbacks for a large lot. The existing assumed conditions can fit a 900 square foot ADU. While a lot of this size has less trouble fitting an ADU even with additional structures or features, the setbacks may be larger than necessary for considering an ADU placement.

- b. **Off-Street Parking** [Up to one] additional off-street parking space shall be required for Protected Use ADUs located outside the ½-mile radius of the [Transit Station]. No off-street parking is required for Protected Use ADUs located within a ½-mile radius of the [Transit Station].

## Annotations: Protected Use ADUs Off-Street Parking

### Do:

Decide if you will require a parking space for all Protected Use ADUs located outside of a half mile from a Transit Station, or if you will not require any additional parking. Consider the general walkability and pedestrian safety of your municipality to determine if requiring no parking outside the half-mile radius is realistic. A municipality has discretion to reasonably determine the center point from which the ½ -mile radius is calculated.

### Don't:

Don't require either on or off-street parking for a Protected Use ADU within a half-mile radius of a Transit Station.

3. **Special Permit for [Local ADUs].** The [Special Permit Granting Authority] shall approve a Special Permit authorizing a [Local ADUs] installation and use within or on a Lot with a Single-Family Residential Dwelling in a Single-Family Residential Zoning District if the following conditions are met:

## Annotations: Local ADUs Authorization

Do:
Determine if another ADU type outside the definition of a Protected Use ADU should be allowed by-right, through Site Plan Review, or by Special Permit in your municipality. Since these would not be considered Protected Use ADUs, they are not bound by the same limitations under 760 CMR 71, such as occupancy restrictions or minimum parking requirements.
Coinciding with the definition of Local ADUs, determine what additional allowances you would like to provide for ADU development or use outside of the Protected Use ADU definition.
Create a Special Permit process for properties that would like to create any additional ADU after the one Protected Use ADU that is allowed by right.

Proceed with Caution:
Be aware that allowing any ADUs not meeting the definition and requirements for Protected Use ADUs on a lot would be in addition to a Protected Use ADU. For example, a municipality may wish to allow an additional ADU with an occupancy restriction, which would be their Local ADUs. This means that any eligible property would then be allowed two ADUs: one Protected Use ADU by right, and the Local ADUs by Special Permit. For this reason, you may wish to request approval by Special Permit.

#### a. Dimensional Standards

- i. [Local ADUs] must be larger than [900 square feet] or there must be a Protected Use ADU already built on the same property.
- ii. [Local ADUs] shall not be larger than a gross floor area of [1,200 square feet].
- iii. [Local ADUs] shall comply with the following dimensional standards for both the structure and the Lot in accordance with Section [X]: Dimensional Standards and Section [X]: Accessory Structures.

**b. Off-Street Parking.** A minimum of [one (1)] additional off-street parking space shall be required for [Local ADUs].

**4. Special Permit for Multiple ADUs on a Lot.** More than one ADU on a Lot in a Single-Family Residential Zoning District in which a Protected Use ADU is already located shall require a Special Permit from the [Special Permit Granting Authority]. The additional ADU shall be classified as a [Local ADUs].

#### Annotations: Local ADUs Dimensional Standards

##### Do:

Determine the maximum gross floor area and dimensional standards that your municipality would allow for an ADU that is not a Protected Use ADU. If you require the approval of a Special Permit, you may wish to allow larger ADUs as an incentive.

#### Annotations: Local ADUs Off-Street Parking

##### Do:

Determine if you would like to require parking for ADUs that are not Protected Use ADUs, both within and outside a ½-mile radius of the Transit Station. As for Protected Use ADUs, you should consider the general walkability and pedestrian safety of your municipality when making these decisions.

##### Proceed with Caution:

Since this is not a Protected Use ADU, you may require a parking space within a ½-mile radius of a Transit Station, but you should consider carefully if it is necessary.

#### Annotations: Multiple ADUs on Lot

##### Do:

Require a Special Permit if choosing to allow additional ADUs on the same lot as a Protected Use ADU as delineated in 760 CMR 71.03(5).

## 5. Nonconformance

- a. *A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-Existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00, and state law.*
- b. *[A Protected Use ADU shall be exempt from any required finding under M.G.L. c. 40A §6.]*
- c. *[A finding under M.G.L. c 40A §6, that the extension or alteration of the pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood, shall be made by the Special Permit Granting Authority in an as-of-right process, without requiring a Special Permit or other discretionary waiver.]*

## Annotations: Nonconformance

Do:
Allow Protected Use ADUs by-right within or on lots with a Pre-Existing Nonconforming Structure in accordance with 760 CMR 71.03(3)(b)9.
Consider whether it is reasonable under the Dover analysis, as articulated in 760 CMR 71.03(3)(a), to require a finding pursuant to M.G.L. c. 40A §6 for expansion or alteration of pre-existing nonconforming structures. Some municipalities exempt Dover uses from this provision, and it may not be reasonable in all circumstances to require such a finding.
If a finding under M.G.L. c. 40A §6 is required by the municipality, then they must provide for a clear, objective, as-of-right process by the permit granting authority.

Don't:
Don't prevent an ADU that is nonconforming to zoning from qualifying as a Protected Use ADU if it otherwise meets the definition for Protected Use ADU in 760 CMR 71.02.
Don't require a special permit for development of a Protected Use ADU where the lot or structure is nonconforming. M.G.L. c. 40A §6 provides that a finding under this section can be made by the permit granting authority or the special permit granting authority. Read in combination with Section 3's prohibition on special permits as they apply to the development of Protected Use ADUs, a special permit is not required, and therefore not allowed for this purpose.

D. Administration and Enforcement

- 1. The [Zoning Enforcement Officer] shall administer and enforce the provisions of this Section [X].
- 2. No building shall be changed in use or configuration without a Building Permit from the [Zoning Enforcement Officer].
- 3. No building shall be occupied until a certificate of occupancy is issued by the [Zoning Enforcement Officer], where required.
- 4. The [Zoning Enforcement Officer] shall apply the Dover analysis as articulated in the standards in 760 CMR 71.03(3) (a), to any request for a Protected Use ADU Building Permit and shall waive any zoning requirement that the [Zoning Enforcement Officer] finds to be unreasonable under the Dover analysis.

Annotations: Administration and Enforcement

Do:
Follow all Building Code and zoning requirements when building a new ADU or converting a space into an ADU. This applies to all ADUs, not just Protected Use ADUs.
Provide a limited waiver for occasional circumstances where a normally reasonable regulation would be unreasonable as applied to a particular lot. The Dover Amendment is a heavily fact-based analysis that is applied both in terms of the overall zoning, and on a lot-by-lot basis. For example, a requirement that Protected Use ADUs be beside or behind the Principal Dwelling might not be reasonable as applied to a large lot where the Principal Dwelling has a large front yard and sits along the rear setback.

# Model Zoning - Clean Version

## A. Purpose

*The purpose of this Section [X] is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, § 1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:*

- 1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.*
- 2. Develop small-scale infill housing that fits in context of zoning districts that allow single-family housing while providing gentle/hidden density.*
- 3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.*
- 4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.*



## B. Definitions

For purposes of this Section [X], the following definitions shall apply:

1. **Accessory Dwelling Unit (ADU).** A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. [General references to ADUs in this by-law include both Protected Use ADUs and Local ADUs.]
2. **Design Standards.** Clear, measurable and objective provisions of zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU when those same design standards apply to the Principal Dwelling to which the ADU is an accessory.
3. **Dwelling Unit.** A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.
4. **EOHLC.** The Executive Office of Housing and Livable Communities.
5. **Gross Floor Area.** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.
6. **[Historic District.** A district in a municipality established pursuant to M.G.L. c. 40C or other State Law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the municipality pursuant to M.G.L. c. 40C or other state law.]
7. **[Local ADUs.** An ADU that is not a Protected Use ADU but includes rules specific to [Municipality or cross-reference to any existing or proposed zoning for Local ADUs].]
8. **Lot.** An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of zoning.
9. **Modular Dwelling Unit.** A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

- 10. Pre-Existing Nonconforming Structure.** A structure that does not conform to zoning.
- 11. Principal Dwelling.** A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.
- 12. Protected Use ADU.** An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller [or a larger Gross Floor Area, if allowed by the Municipality], provided that only one ADU on a Lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.
- 13. [Short-Term Rental.]** An owner-occupied, tenant-occupied, or non-owner occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant [for a period of 31 consecutive days or less]; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.]
- 14. Single-Family Residential Dwelling Unit.** A structure on a Lot containing not more than one Dwelling Unit.
- 15. Single-Family Residential Zoning District.** Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as of right, or by Special Permit.
- 16. Transit Station.** A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.
- a. [A **Bus Station** includes any location serving as a point of embarkation for any bus operated by a transit authority.]
  - b. [A **Subway Station** includes any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.]
  - c. [A **Commuter Rail Station** includes any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.]
  - d. [A **Ferry Terminal** includes any location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.]

## C. Regulations

### 1. General Provisions for All ADUs

#### a. Code Compliance

- i. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
- ii. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.

#### b. [Short-Term Rentals]

- iii. [ADUs may be operated as Short-Term Rentals subject to any restrictions or prohibitions by ordinance or by-law adopted by [Municipality] pursuant to M.G.L. c. 64G, § 14.]
- iv. [An ADU may be rented as a Short-Term Rental for the purpose of workforce housing for seasonal employees.]

### 2. Protected Use ADUs. The [Zoning Enforcement Officer] shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

#### a. Dimensional Standards

- i. Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet [or a larger Gross Floor Area, if allowed by the Municipality] or  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling, whichever is smaller.
- ii. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling (Section [X]: Dimensional Standards) or accessory structure (Section [X]: Accessory Structures) within the same district, whichever results in more permissive regulation.
- iii. A Protected Use ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling (Section [X]: Dimensional Standards), or Single-Family Residential Dwelling (Section [X]: Dimensional Standards), or accessory structure (Section [X]: Accessory Structures) within the same district, whichever results in more permissive regulation.

#### b. Off-Street Parking. [Up to one] additional off-street parking space shall be required for Protected Use ADUs located outside the $\frac{1}{2}$ -mile radius of the [Transit Station]. No off-street parking is required for Protected Use ADUs located within a $\frac{1}{2}$ -mile radius of the [Transit Station].

- 3. Special Permit for [Local ADUs].** The [Special Permit Granting Authority] shall approve a Special Permit authorizing a [Local ADUs] installation and use within or on a Lot with a Single-Family Residential Dwelling in a Single-Family Residential Zoning District if the following conditions are met:
- a. Dimensional Standards**
    - i. [Local ADUs] must be larger than [900 square feet] or there must be a Protected Use ADU already built on the same property.
    - ii. [Local ADUs] shall not be larger than a gross floor area of [1,200 square feet].
    - iii. [Local ADUs] shall comply with the following dimensional standards for both the structure and the Lot in accordance with Section [X]: Dimensional Standards and Section [X]: Accessory Structures.
    - iv. Off-Street Parking. A minimum of [one (1)] additional off-street parking space shall be required for [Local ADUs].
  - b. Off-Street Parking.** A minimum of [one (1)] additional off-street parking space shall be required for [Local ADUs].
- 4. Special Permit for Multiple ADUs on a Lot.** More than one ADU on a Lot in a Single-Family Residential Zoning District in which a Protected Use ADU is already located shall require a Special Permit from the [Special Permit Granting Authority]. The additional ADU shall be classified as a [Local ADUs].
- 5. Nonconformance**
- a. A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-Existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00, and state law.
  - b. [A Protected Use ADU shall be exempt from any required finding under M.G.L. c. 40A §6.]
  - c. [A finding under M.G.L. c 40A §6, that the extension or alteration of the pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood, shall be made by the Special Permit Granting Authority in an as-of-right process, without requiring a Special Permit or other discretionary waiver.]

## **D. Administration and Enforcement**

1. The [Zoning Enforcement Officer] shall administer and enforce the provisions of this Section [X].
2. No building shall be changed in use or configuration without a Building Permit from the [Zoning Enforcement Officer].
3. No building shall be occupied until a certificate of occupancy is issued by the [Zoning Enforcement Officer], where required.
4. The [Zoning Enforcement Officer] shall apply the Dover analysis as articulated in the standards in 760 CMR 71.03(3)(a), to any request for a Protected Use ADU Building Permit and shall waive any zoning requirement that the [Zoning Enforcement Officer] finds to be unreasonable under the Dover analysis.

# Appendix A: Checklist for Municipal Planners

This checklist is to help municipal staff and board members updating or creating new zoning for Accessory Dwelling Units ensure that the zoning is enforceable in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and 760 CMR 71.00: Protected Use Accessory Dwelling Units.

## Purpose

- ☐ No purpose contradicts the intent of the enabling legislation and its accompanying regulations: "...increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life"
- ☐ No purpose indicates some form of local preference
- ☐ No purpose refers to a prohibited regulation on property owners, such as requiring the inclusion of Affordable Housing units

## Definitions

- ☐ Zoning includes relevant definitions from 760 CMR 71.02 and makes clear the difference between Protected Use ADUs and other ADUs that the municipality may choose to regulate
- ☐ No terms that exist in 760 CMR 71.02 or elsewhere in the municipal zoning by-law have different or contradictory meanings

## Regulations

- ☐ Protected Use ADUs are allowed by-right within or on lots with a Principal Dwelling in Single-Family Residential Zoning Districts
- ☐ No Special Permit requirement for Protected Use ADUs within or on lots with a Principal Dwelling, except within a Floodplain or Aquifer Protection Overlay District
- ☐ No Special Permit required for Protected Use ADUs within or on existing nonconforming lots, or lots with an existing nonconforming primary dwelling.
- ☐ Any Special Permit requirement for Protected Use ADUs within a Floodplain or Aquifer Protection Overlay District is based on clear, objective, and non-discretionary criteria
- ☐ A Special Permit is required if additional ADUs are allowed on the same lot as a Protected Use ADU
- ☐ No enforcement of a Prohibited or Unreasonable Regulation imposed as a condition for the approval of a Protected Use ADU prior to the effective date of 760 CMR 71.00
- ☐ Zoning for Protected Use ADUs includes no Prohibited or Unreasonable Regulations



## Prohibited Regulations

- ☐ Owner-Occupancy Requirements: No requirement for owner-occupancy of the Protected Use ADU or Principal Dwelling
- ☐ Minimum Parking Requirements:
  - ☐ No requirement for off-street parking for Protected Use ADUs within a half-mile radius of a Transit Station
  - ☐ No requirement for more than one parking space for Protected Use ADUs outside the half-mile radius
- ☐ Use and Occupancy Restrictions: No requirement that a Protected Use ADU to be subject to a Use and Occupancy Restriction, such as a requirement that the ADU be occupied by a family member
- ☐ Unit Caps and Density:
  - ☐ No limit to the number of Protected Use ADUs that may be permitted, constructed, or leased in the Municipality or a particular zoning district
  - ☐ Protected Use ADUs not counted in density calculations
- ☐ Relationship to Principal Dwelling: All types of Protected Use ADUs are allowed (attached, detached, and internal)

## Unreasonable Regulations

- ☐ Design Standards:
  - ☐ Any Design Standard applied to Protected Use ADUs is the same or more lenient than the design standard applied to Single-Family Residential Dwellings within the same zoning district
  - ☐ No Design Standard prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU
  - ☐ All design standards applied to ADUs are clear and measurable
- ☐ Dimensional Standards:
  - ☐ Protected Use ADUs have a maximum Gross Floor Area requirement of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling, whichever is smaller
  - ☐ Any Dimensional Standard for Protected Use ADUs is the same or more permissive than what is required for the Principal Dwelling, a Single-Family Residential Dwelling, or accessory structure in the same zoning district
  - ☐ No minimum lot size requirement for Protected Use ADUs
- ☐ Utilities, Safety, and Emergency Access:
  - ☐ No requirements concerning utilities, safety, and emergency access are more restrictive than state requirements
  - ☐ No requirement for a separate utility connection for Protected Use ADUs
- ☐ Environmental Protection: Any regulation pursuant to 310 CMR 15.000 (Title V) applied to Protected Use ADUs is not more restrictive than those for Single-Family Residential Dwellings in the same zoning district
- ☐ Site Plan Review: If there is a requirement for Site Plan Review approval of Protected Use ADUs, the review guidelines are clear, objective, and consistent with an as-of-right process as defined in M.G.L. c. 40A ss. 1A and 3
- ☐ Impact Analysis, Studies, and Fees: An impact analysis, study report, or impact fee is only required for a Protected Use ADU if the requirement is already in place for Single-Family Residential Dwellings in the same zoning district.

## Unreasonable Regulations, Continued

- ☐ Modular Dwelling Units: No requirements more restrictive than the Massachusetts Building Code for prohibiting, regulating, or restricting a Modular Dwelling Unit from being used as a Protected Use ADU
- ☐ Historic Districts:
  - ☐ Design Standards and Dimensional Standards for Protected Use ADUs in Historic Districts are not unreasonable pursuant to 760 CMR 71.03(3)(a)
  - ☐ Design standards applied to Protected Use ADUs in Historic Districts must be clear and measurable standards
- ☐ Pre-Existing Nonconforming Structures: Protected Use ADUs allowed by-right within or on lots with a Pre-Existing Nonconforming Structure



# Appendix B: Design Standards for ADUs Located in Historic Districts

Design Standards may be applied to Protected Use ADUs and other ADUs within Local Historic Districts. The Design Standards may be more restrictive for a Protected Use ADU than they are for a Single-Family Residential Dwelling, or Principal Dwelling, within the same Single-Family Residential Zoning District so long as they are not unreasonable pursuant to 760 CMR 71.03(3)(a).

Specific Design Standards will need to be tailored to the architectural character of each Historic District, but the standards must not be so restrictive, excessive, burdensome, or arbitrary that they prohibit, render infeasible, or unreasonably increase the costs of the use or construction of a Protected Use ADU.

Design Standards must all be measurable and objective. These mandatory standards may not be arbitrary, subjective, or create any gray area about implementation.

## **Examples of Design Standards for Historic Districts that May Be Reasonable:**

- **Roof Pitch:** Roofs shall be gabled with a minimum pitch of 9/12 (9" vertical for every 12" horizontal) and have overhanging eaves of at least one foot. Two- or three-story buildings, or two- or three-story portions of a building, may have a flat roof.
- **Window Scale and Dimension:** Windows visible from the street shall have a 2:1 ratio of height to width. Alternative window designs may be allowed provided by a Special Permit.
- **Window Coverage:** The building front(s) visible from the street shall contain windows covering at least 20 percent but not to exceed 80 percent of the facade surface. Windows shall be highlighted with frames, lintels, and sills, or equivalent trim features.
- **Utility Screening:** All dumpsters or other service areas shall be completely visually enclosed with a screening wall or fence and integrated with the overall site layout.

## Annotations: Design Standards for ADUs in Historic Districts

### Do:

Apply design standards only to Protected Use ADUs located within Historic Districts.

Determine which existing standards for your Historic District are measurable and objective and therefore can be applied to Protected Use ADUs within the district.

### Proceed with Caution:

Determine if your existing historic district standards only apply to structures visible from main thoroughfares, and if so, note that they may not apply to ADUs that are not visible from the street.

You may provide design guidelines that also apply to Protected Use ADUs within Historic Districts. However, these subjective guidelines cannot be legally enforced and are instead meant to provide guidance to property owners in Historic Districts as they upgrade existing or build new structures on their lots.

### Don't:

Don't restrict the development of ADUs in Historic Districts through overly complex or limiting Design Standards.

## **MEMORANDUM**

To: Town of Arlington Redevelopment Board

From: Michael C. Cunningham, Town Counsel

Jaclyn Munson, Deputy Town Counsel

Date: April 7, 2025

Re: 40A and Accessory Dwelling Units

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### **Background**

The Affordable Homes Act, Chapter 150 of the Acts of 2024 (the “AHA”) was signed into law in August of 2024. The goal of the AHA is to increase the production of, and access to, ADUs while maintaining municipal regulatory powers. To accomplish this goal, the comprehensive legislation amended the Commonwealth’s zoning law, M.G.L. ch. 40A (the “Zoning Act”), to expressly permit accessory dwelling units (“ADU”) as-of-right in single-family zoning districts across the state, subject to the following conditions:

- ADUs are protected up to size limitation of up to 900 square feet under the Zoning Act;
- ADUs must be approved by-right in areas where residential housing in the form of a Principal Dwelling is provided;
- Local zoning bylaws cannot require owner-occupancy requirements for the ADU relative to the Principal Dwelling;
- Local zoning bylaws cannot mandate parking requirements if the ADU is within one half mile of public transit;
- Local zoning bylaws must allow flexibility for the type of ADUs (e.g., attached, detached, or internal); *and*
- ADUs to be approved as-of-right by Building Permit or Special Permit where needed.

In addition, the state’s Executive Office of Housing and Livable Communities (the “EOHLC”) promulgated final regulations on ADUs in accordance with the Act. These regulations, in conjunction with the provisions of the AHA, establish the requirements for Towns to comply with the AHA. See 760 CMR 71.00.

### **Purpose**

The purpose of this memorandum is to advise the Arlington Redevelopment Board on approaching amendments to the Town’s Zoning Bylaws (the “Zoning Bylaw”) in accordance with the AHA.

The AHA amendments to the Zoning Act’s ADU provisions became effective February 3, 2025. This means that any of the Town’s current zoning or other bylaws that are inconsistent with the AHA cannot be enforced. As a result, the Town is required to amend its Zoning Bylaw to reflect

the mandates in the AHA. The Town does not have authority to supersede the AHA's amendments to the Zoning Act.

In sum, the Town should adopt the model zoning for ADUs as described by the EOHLC and the Metropolitan Area Planning Council (the "MAPC") in its recent guidance, Model Zoning for Accessory Dwelling Units, Version 1.1, March 19, 2025, attached hereto.

### **Guidance**

The Town can best comply with the AHA by adopting the model zoning suggested by the EOHLC and MAPC or, at a minimum, by using these entities' resources as a starting point for its own ADU bylaw.

First, adopting the model zoning gives the Town the best chance of having its amended Zoning Bylaws approved by the Municipal Law Unit (the "MLU") at the Office of the Attorney General. The MLU is required to review the Town's bylaws to ensure consistency with state laws. If the Town chooses to draft its own ADU bylaw, there is an increased risk that the Town could misinterpret the AHA requirements and, in turn, delay approval by the MLU of its bylaw amendments.

Next, the AHA essentially creates a *Dover* protection for as-of-right ADUs. The *Dover Amendment*, codified as Section 3 of the Zoning Act, which was also amended by the AHA to protect as-of-right ADUs, evidences the Legislature's determination that certain uses should be given more favorable treatment under local zoning laws than other uses. For example, the Town *cannot* enact a zoning bylaw that would prohibit, regulate, or restrict the use of land or structures for uses like childcare, agriculture, religious facilities and solar energy systems. The AHA amended the Zoning Act to add ADUs to this list of uses that warrant favorable treatment.

Finally, adopting the model zoning prepared by the EOHLC and MAPC ensures the Town's compliance with the legislative intent behind the AHA. Where, as here, the legislation sets forth a clear intent to protect ADUs to address the affordable housing crisis, the Town is not in a position to refute that intent or enact a bylaw to the contrary.

### **Conclusion**

The Town will be best positioned to present an amended Zoning Bylaw to Town Meeting if it reflects the AHA by adopting the model zoning bylaw provided by the EOHLC and MAPC.

## Section 2-6, “Definitions Associated with Dwelling”

### Definitions Associated with Dwelling

Accessory Dwelling Unit (ADU): A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling.

Apartment Building: A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms “efficiency,” “single-family,” “two-family,” “duplex,” “three-family” or “multi-family” dwelling, or single-room occupancy building, shall not include hotel/motel, bed and breakfast, hospital, membership club, mixed-use, or mobile home.

Dwelling Unit: A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.

Duplex Dwelling: A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purposes of determining yard requirements.

Group Home: A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.

Local Accessory Dwelling Unit: An Accessory Dwelling Unit that is not a Protected Use ADU.

Multi-family Dwelling: A building containing 4 or more dwelling units.

Multi-family Housing: A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building, excluding Accessory Dwelling Units.

**Principal Dwelling:** A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

**Protected Use Accessory Dwelling Unit:** An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

**Single-Family Dwelling:** A building containing only one dwelling unit. **Single-Room Occupancy Building:** A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term “single-room occupancy building” shall not include apartment buildings, hotels, nursing homes, dormitories, or assisted living residences

**Three-Family Dwelling:** A building containing three dwelling units.

**Townhouse Structure:** A row of at least three single-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire separation wall or walls, and where each unit has its own at-grade access.

**Two-Family Dwelling:** A building containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit.

**Design Standards:** Clear, measurable and objective provisions of zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU when those same design standards apply to the Principal Dwelling to which the ADU is an accessory.

**Gross Floor Area:** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

**EOHLC:** The Executive Office of Housing and Livable Communities.

**Historic District:** A district established pursuant to M.G.L. c. 40C or other State Law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the municipality pursuant to M.G.L. c. 40C or other state law.



Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

Single-Family Residential Zoning District: Any zoning district where Single-Family Residential Dwellings are a permitted or allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as-of-right, or by Special Permit.

### **Accessory Dwelling Units 5.10.2.**

#### **A. Purpose.**

The purpose of this Section is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:

- (1) Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
- (2) Develop small-scale infill housing that fits in context of zoning districts that allow single family housing while providing gentle/hidden density.
- (3) Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
- (4) Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

#### **B. Regulations.**

##### **(1) General Provisions for All ADUs**

- a) ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
- b) An ADU may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building that conforms to the setback requirements of this Bylaw for accessory structures in the district in which it is located. An accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit.
- c) The creation or addition of an ADU shall not change the zoning classification of the property in question and shall not affect any zoning relief previously obtained for such property. By way of example only (and without limitation), a single-family dwelling having an accessory dwelling unit shall continue to be

classified as a single-family dwelling for single-family use under the Zoning Bylaw; a two-family dwelling having an accessory dwelling unit shall continue to be classified as a two-family dwelling for two-family use under the Zoning Bylaw; and a duplex having an accessory dwelling unit shall continue to be classified as a duplex dwelling for duplex use under the Zoning Bylaw.

- d) No off-street parking spaces are required in connection with the creation or addition of an ADU.
- e) ADUs shall not be owned separately from the principal dwelling unit with which such accessory dwelling unit is associated.
- f) ADUs shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.
- g) Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall not be subject to the provisions of Section 5.4.2.B(6) if and to the extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.

## (2) Protected Use ADUs.

The Building Inspector shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

- a) Dimensional Standards
  - i. A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet, or one-half of the Gross Floor Area of the Principal Dwelling, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the gross floor area of the resulting accessory dwelling unit shall be measured relative to the gross floor area of the resulting principal dwelling (as affected by or in connection with the conversion).
  - ii. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling in Section 5.4.2. or an accessory building or structure within the same district, whichever results in more permissive regulation.
  - iii. A Protected Use ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling, or Single-Family Residential Dwelling, or accessory structure within the same district, whichever results in more permissive regulation.

## (3) Special Permit for Local ADUs.

The Special Permit Granting authority shall approve a Special Permit authorizing a Local ADU installation and use within or on a lot with a Single-Family Residential Dwelling in a Single-Family Residential Zoning District if the following conditions are met:

a) Dimensional Standards

- i. Local ADUs must be larger than 900 square feet or there must be a Protected Use ADU already built on the same property.
- ii. Local ADUs shall not be larger than a gross floor area of 1,200 square feet.
- iii. Local ADUs shall comply with the dimensional standards for both the structure and the Lot in accordance with Section 5.4.2.

(4) Special Permit for Multiple ADUs on a Lot.

A second ADU may be allowed for a second principal dwelling on the same lot as a Protected Use ADU if the applicable Special Permit Granting authority, acting pursuant to Section 3.3, grants a Special Permit upon finding that the adverse effects of a second accessory dwelling unit will not outweigh the beneficial impacts to the neighborhood or town, considering the characteristics of the site and of the proposal in relating to the site, providing the second accessory dwelling unit complies with the requirements of this Bylaw. The additional ADU shall be classified as a Local ADU.

(5) Nonconformance.

- a) A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-Existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00, and state law.
- b) A Protected Use ADU shall be exempt from any required finding under M.G.L. c. 40 §6.
- c) A finding under M.G.L. c 40A §6, that the extension or alteration of the pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood, shall be made by the Special Permit Granting Authority in an as-of-right process, without requiring a Special Permit or other discretionary waiver.
- d) In the event of any conflict or inconsistency between the provisions of this Section 5.10.2 or Section 8.1.3.D, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.10.2 and Section 8.1.3.D shall govern and control.

C. Administration and Enforcement.

- (1) The Building Inspector shall administer and enforce the provisions of this Bylaw. No building shall be changed in use or configuration without a Building Permit from the Building Inspector.
- (2) No building shall be occupied until a certificate of occupancy is issued by the Building Inspector, where required.
- (3) The Building Inspector shall apply the Dover analysis as articulated in the standards in 760 CMR 71.03(3)(a), to any request for a Protected Use ADU Building Permit and shall waive any zoning requirement that the Building Inspector finds to be unreasonable under the Dover analysis.

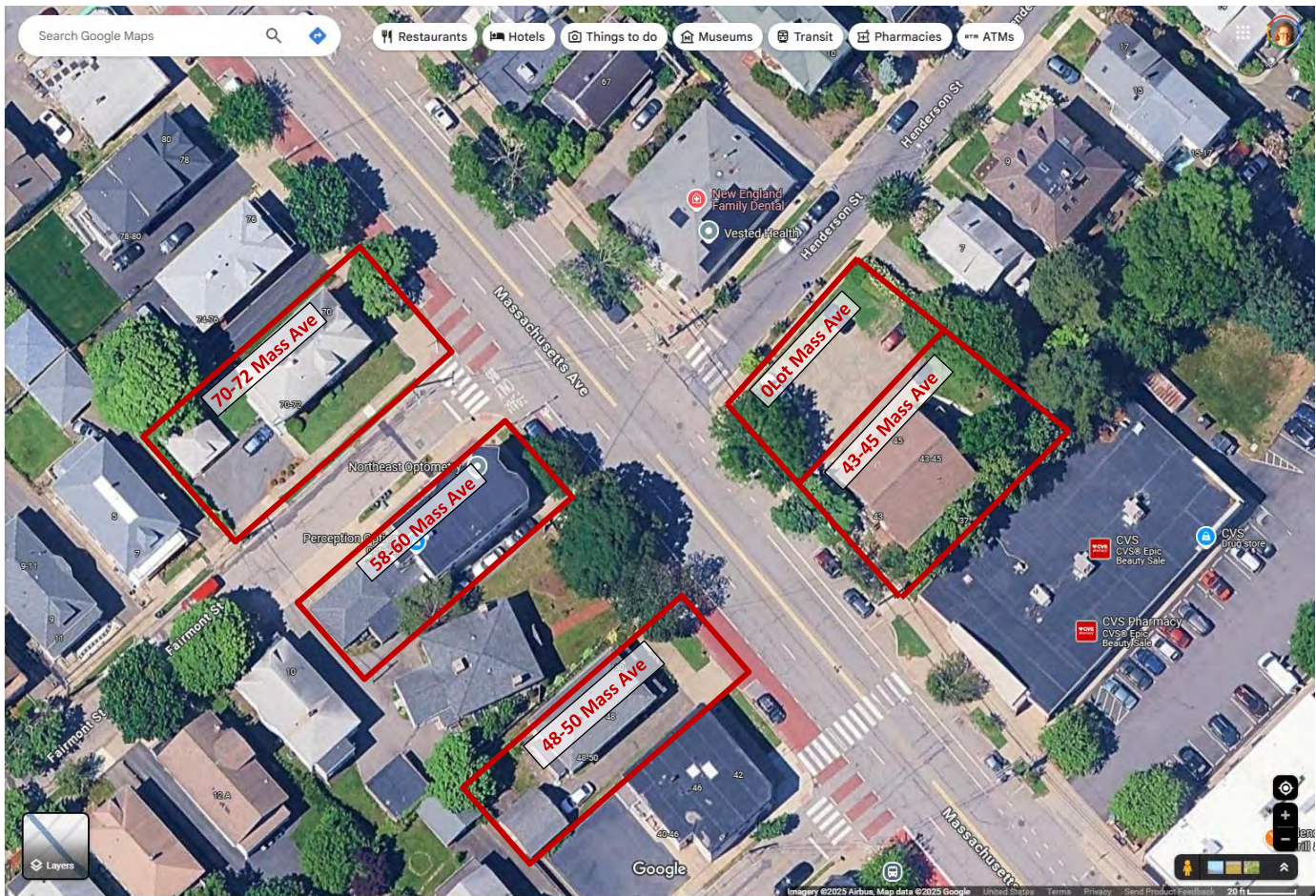
### **8.1.3. Nonconforming Single-Family or Two-Family Dwellings.**

...

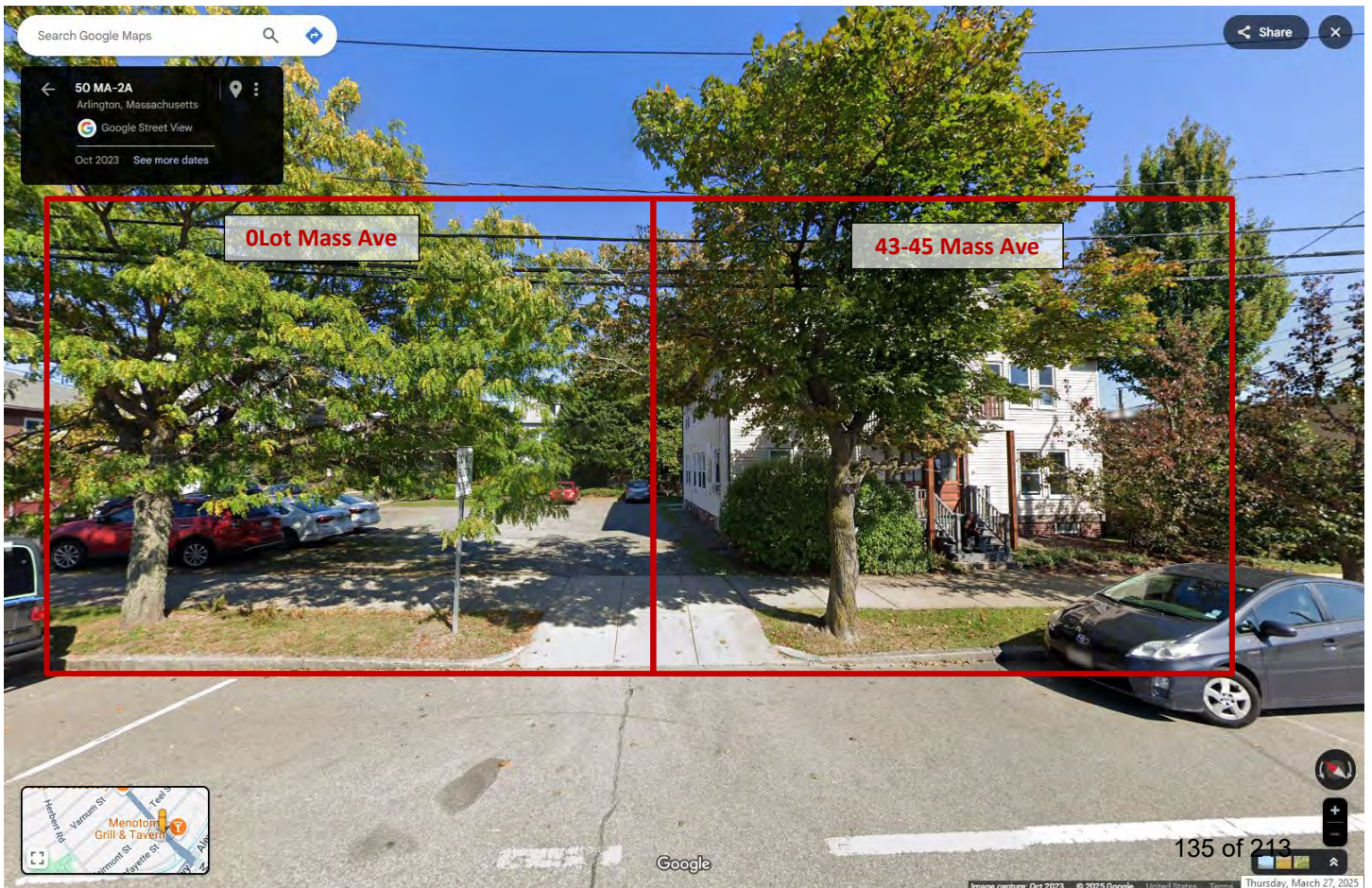
D. The creation or addition of an accessory dwelling unit, does not increase or affect the nonconforming nature of said existing dwelling or accessory building, and shall not cause such dwelling or accessory building to become non-conforming or result in any additional dimensional requirements with respect to such dwelling or accessory building, provided that such creation or addition of an accessory dwelling unit neither expands the footprint nor the height of said dwelling or accessory building, in each case except (i) for changes necessary to provide for required egress or other modification to meet the State Building Code and State Fire Code, (ii) for any projects allowed under Section 5.3.9, and (iii) to the extent authorized by a special permit issued pursuant to Section 5.10.2.B.(1) (e).



## 43-72 Mass Ave – aerial view:

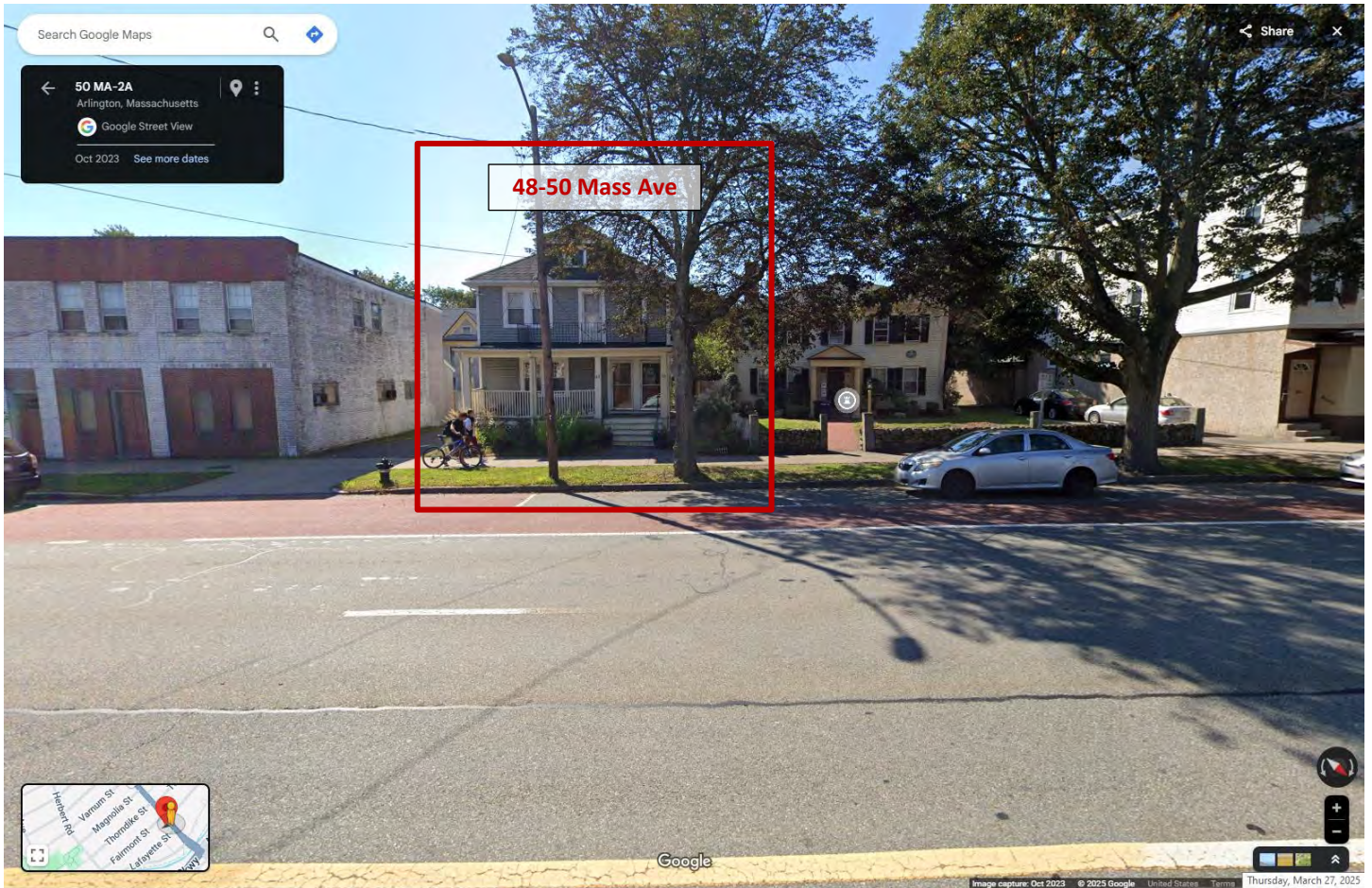


## 43-45 Mass Ave, 0Lot Mass Ave:





## 48-50 Mass Ave:

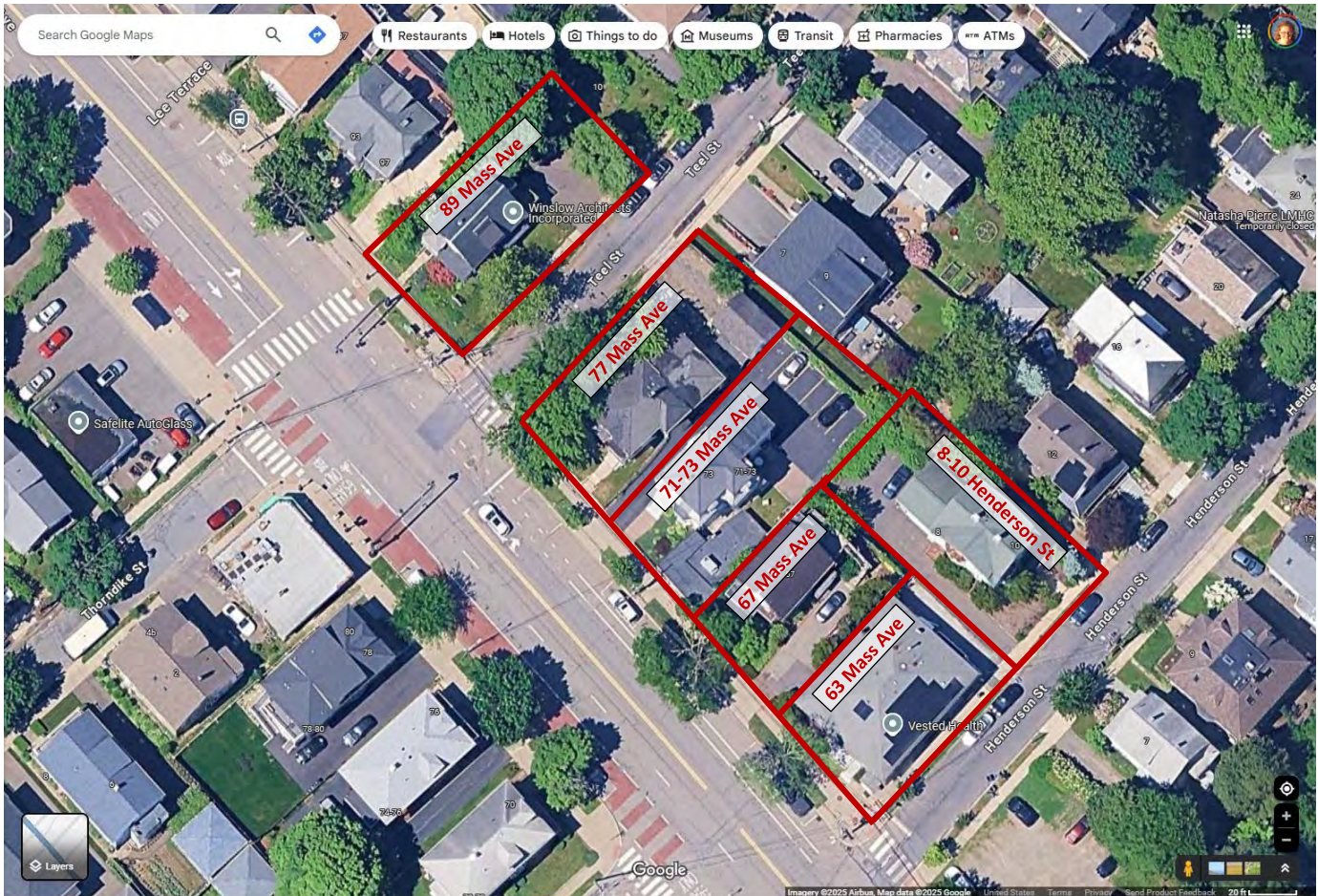


## 58-72 Mass Ave:

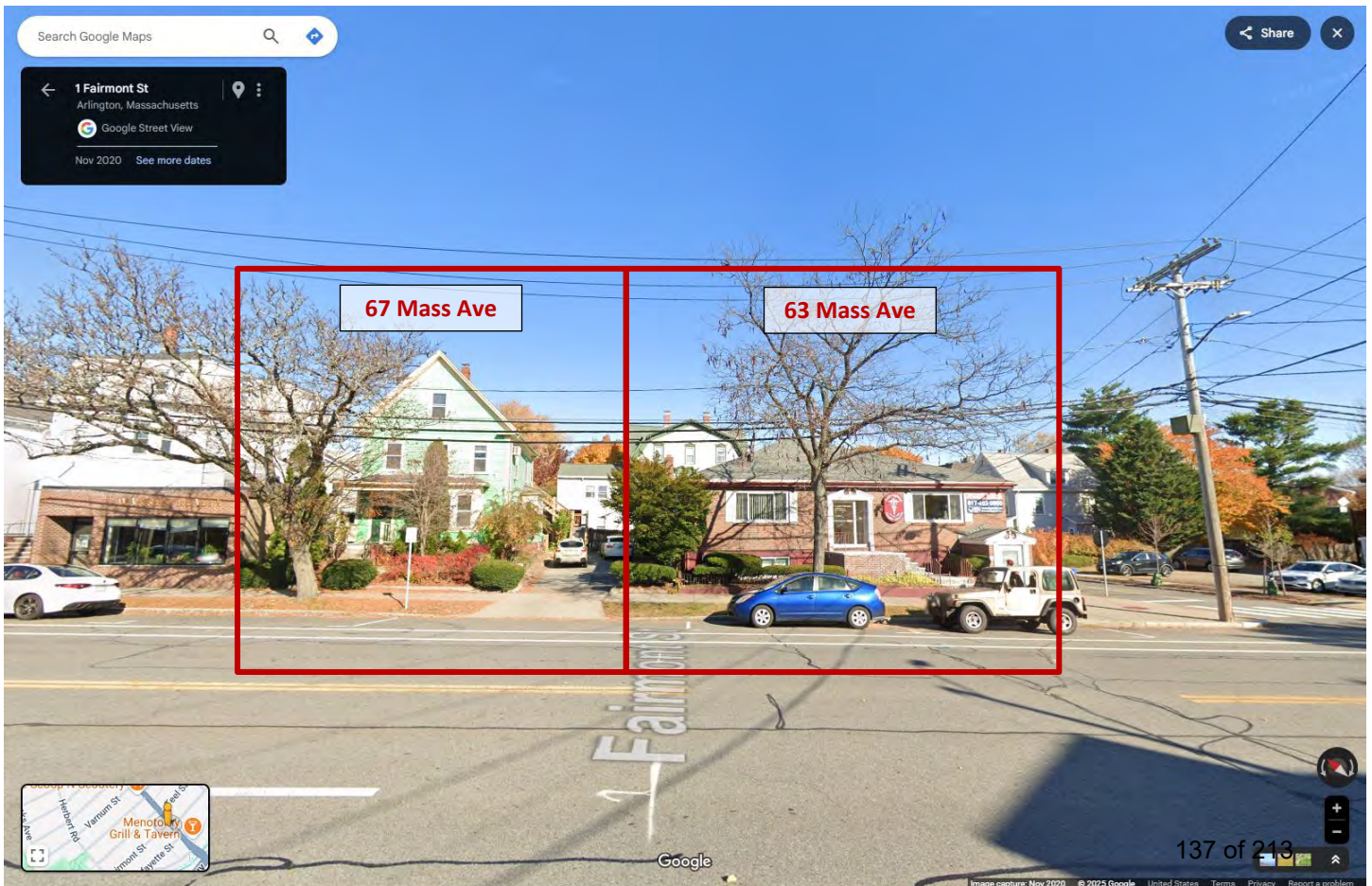




## 63-89 Mass Ave – aerial view:



## 63-67 Mass Ave:

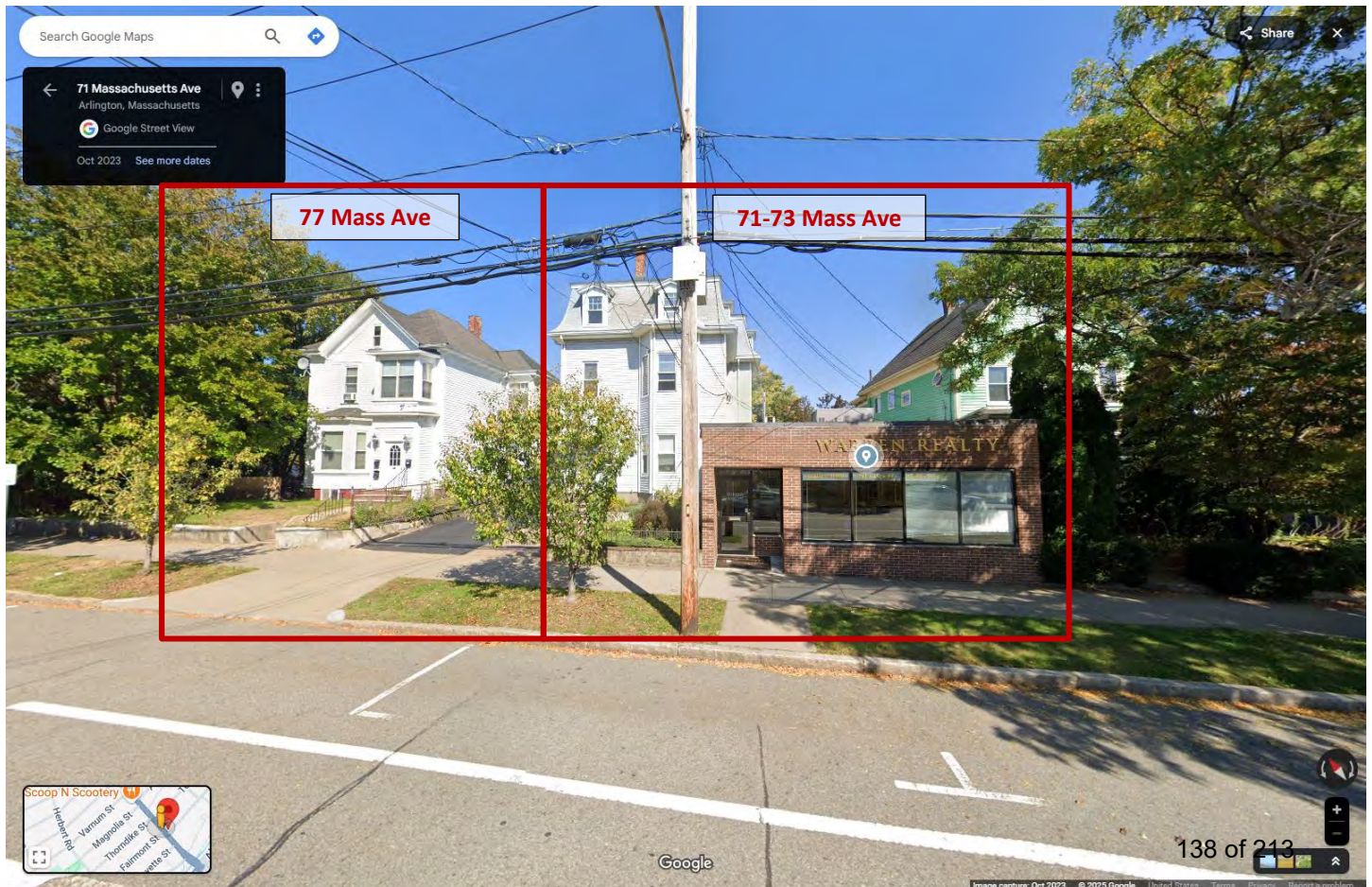




## 8-10 Henderson St:

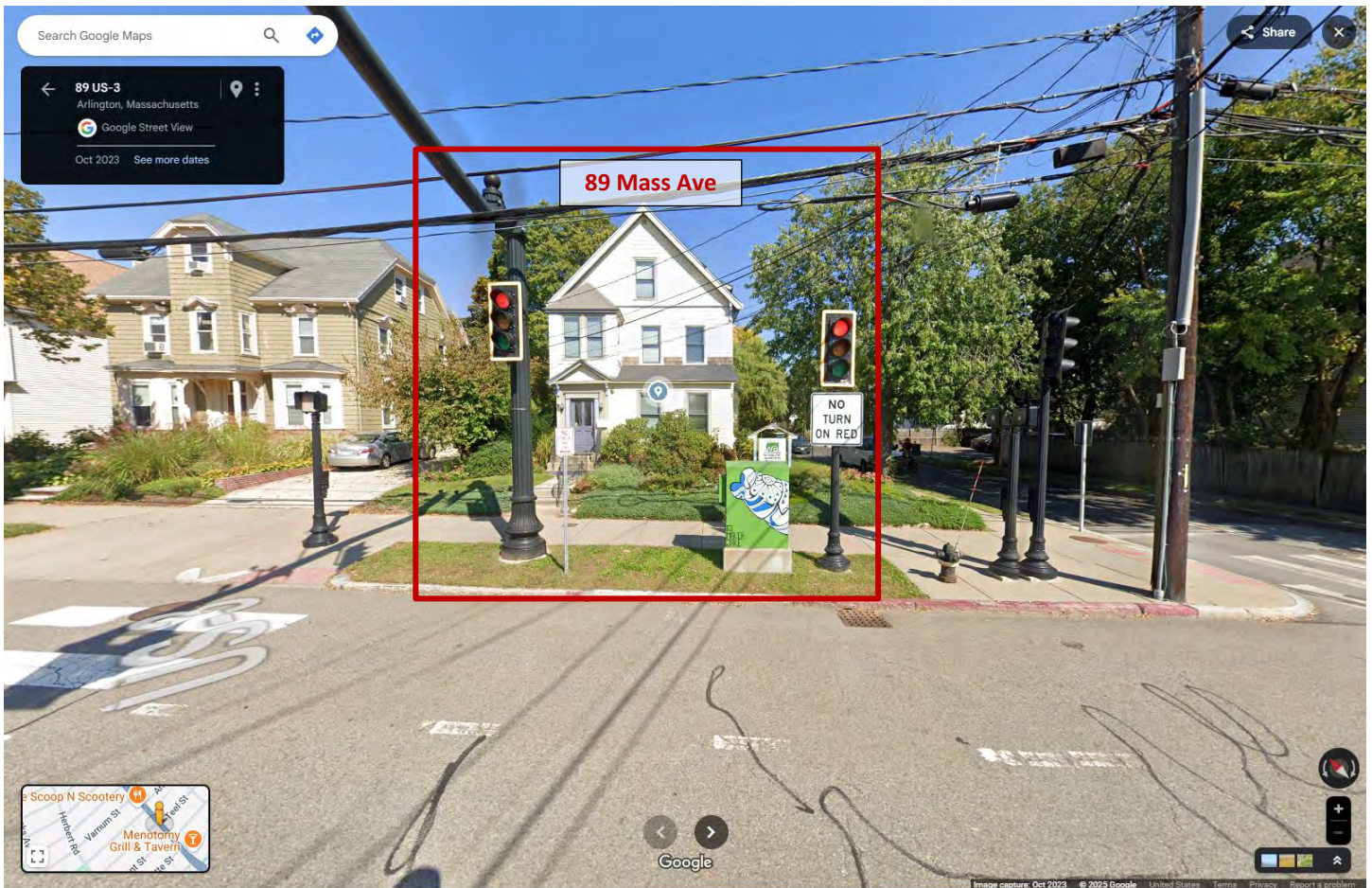


## 71-77 Mass Ave:

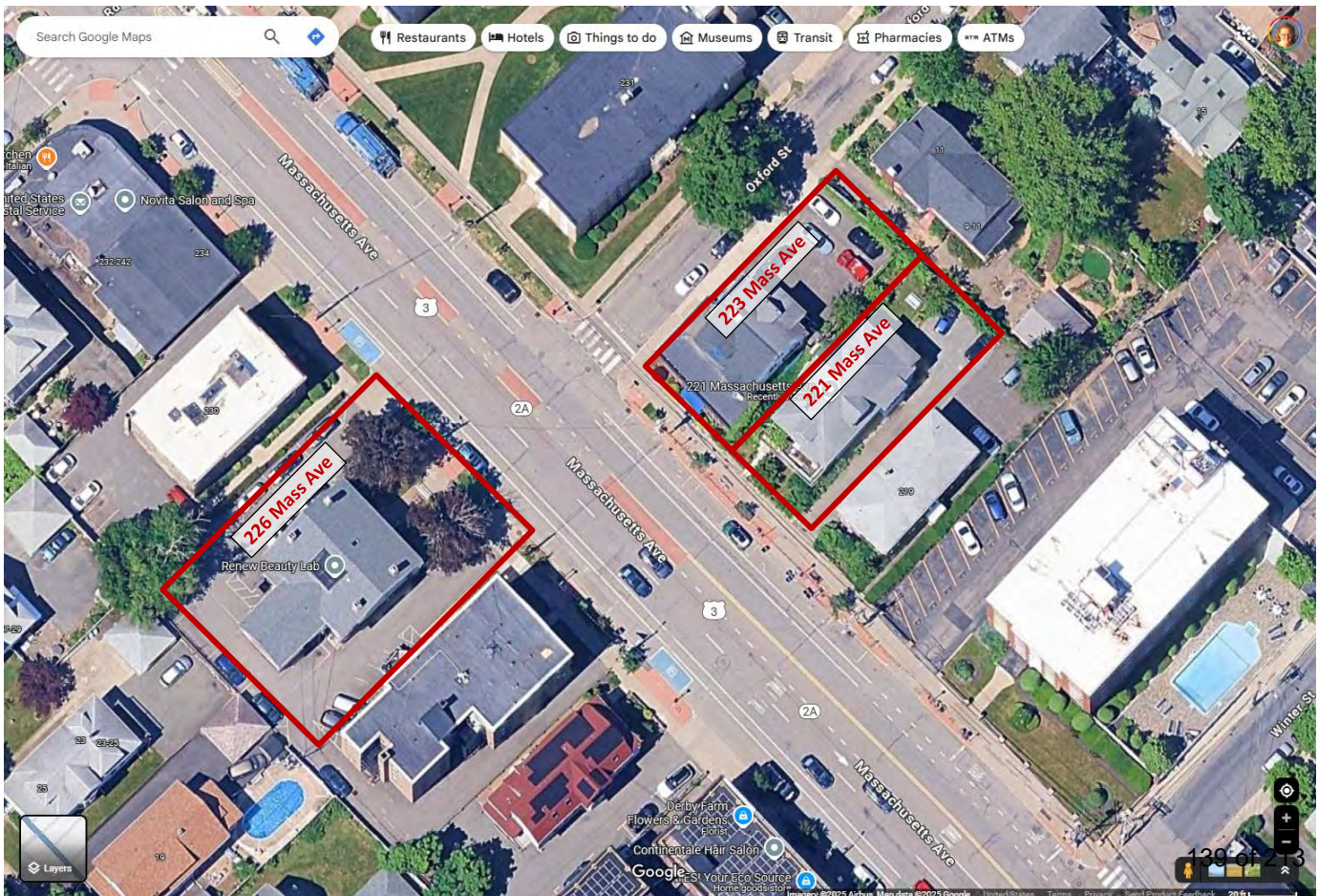




## 89 Mass Ave:

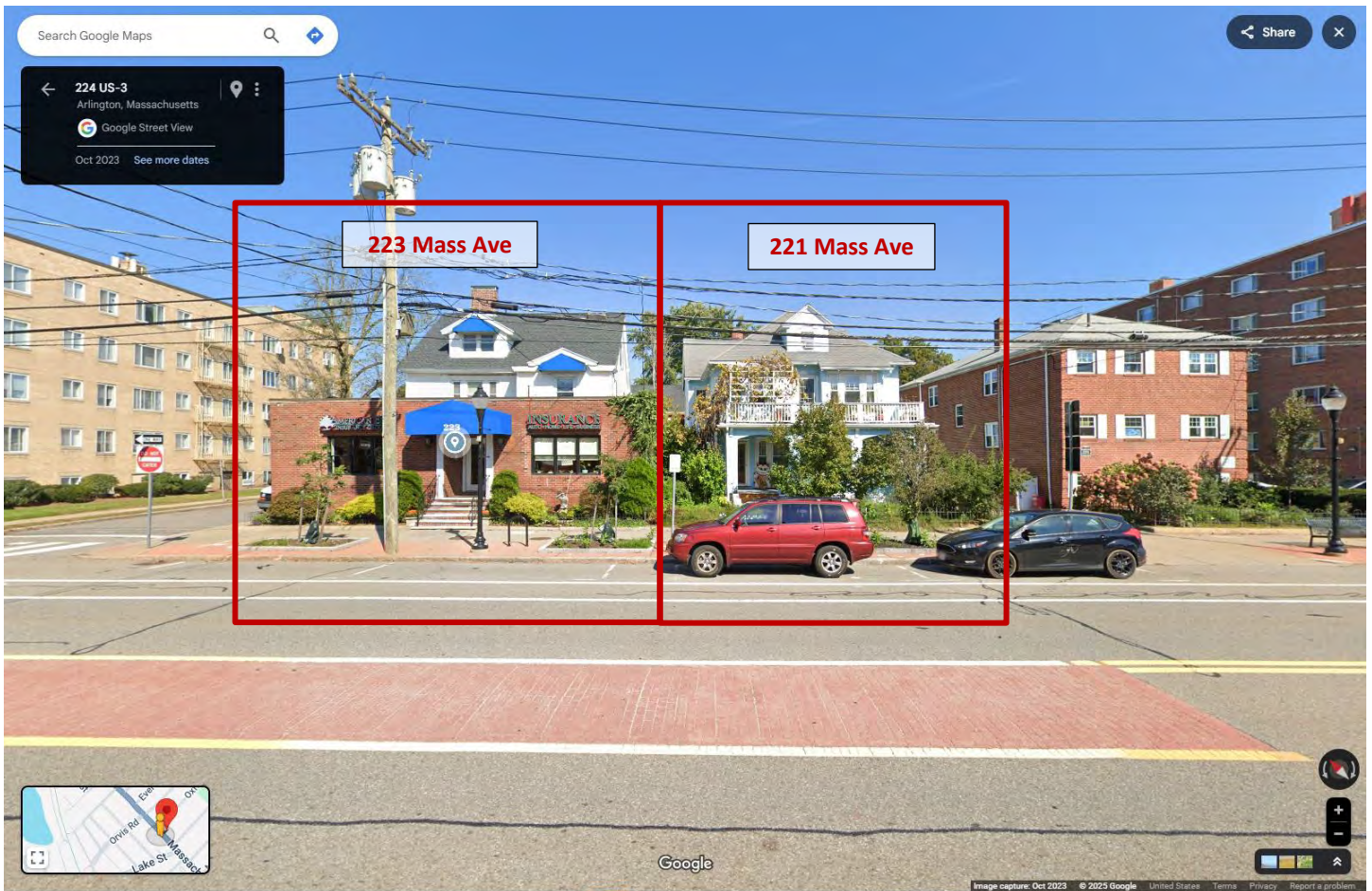


## 221-226 Mass Ave – aerial view:





## 221-223 Mass Ave:

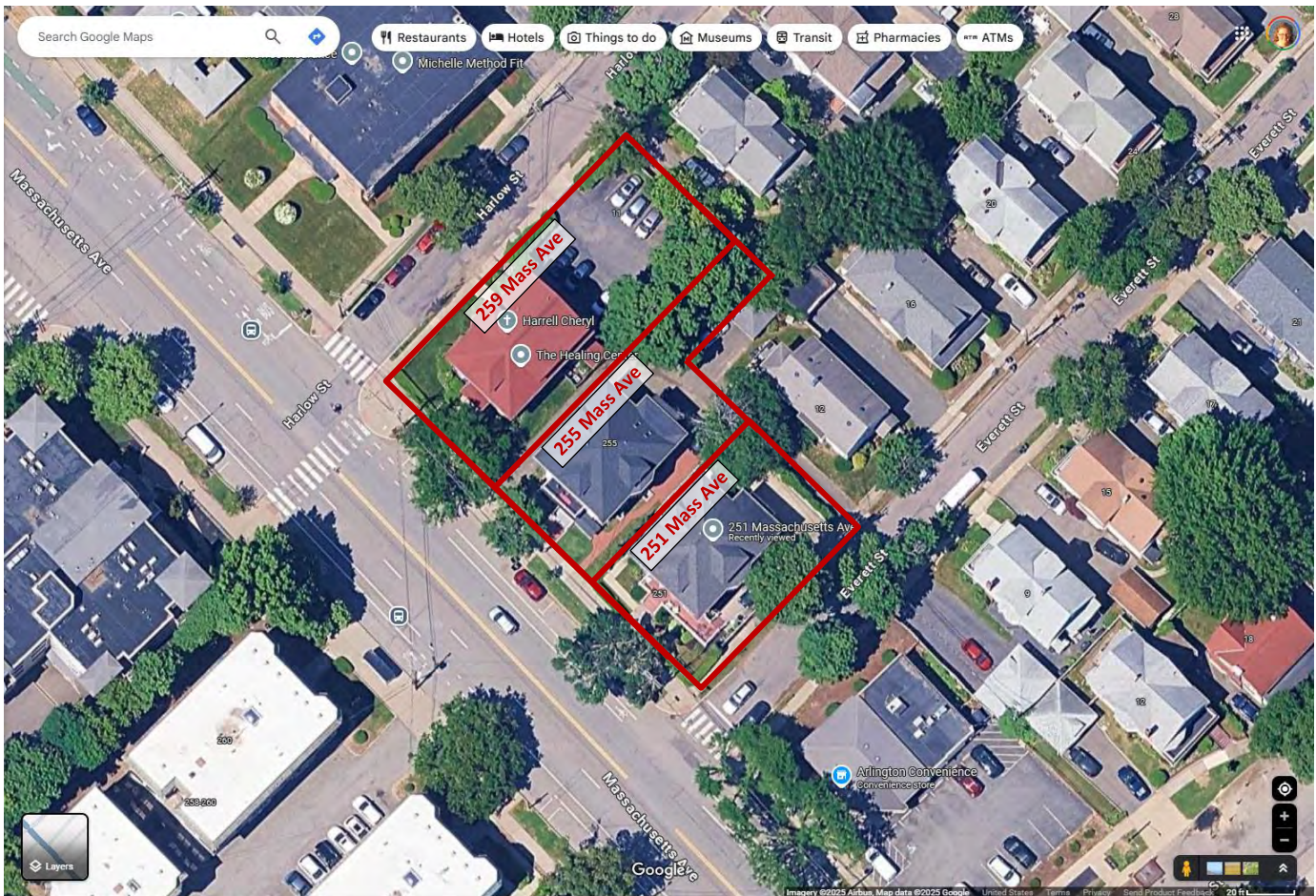


## 226 Mass Ave:





## 251-259 Mass Ave – aerial:

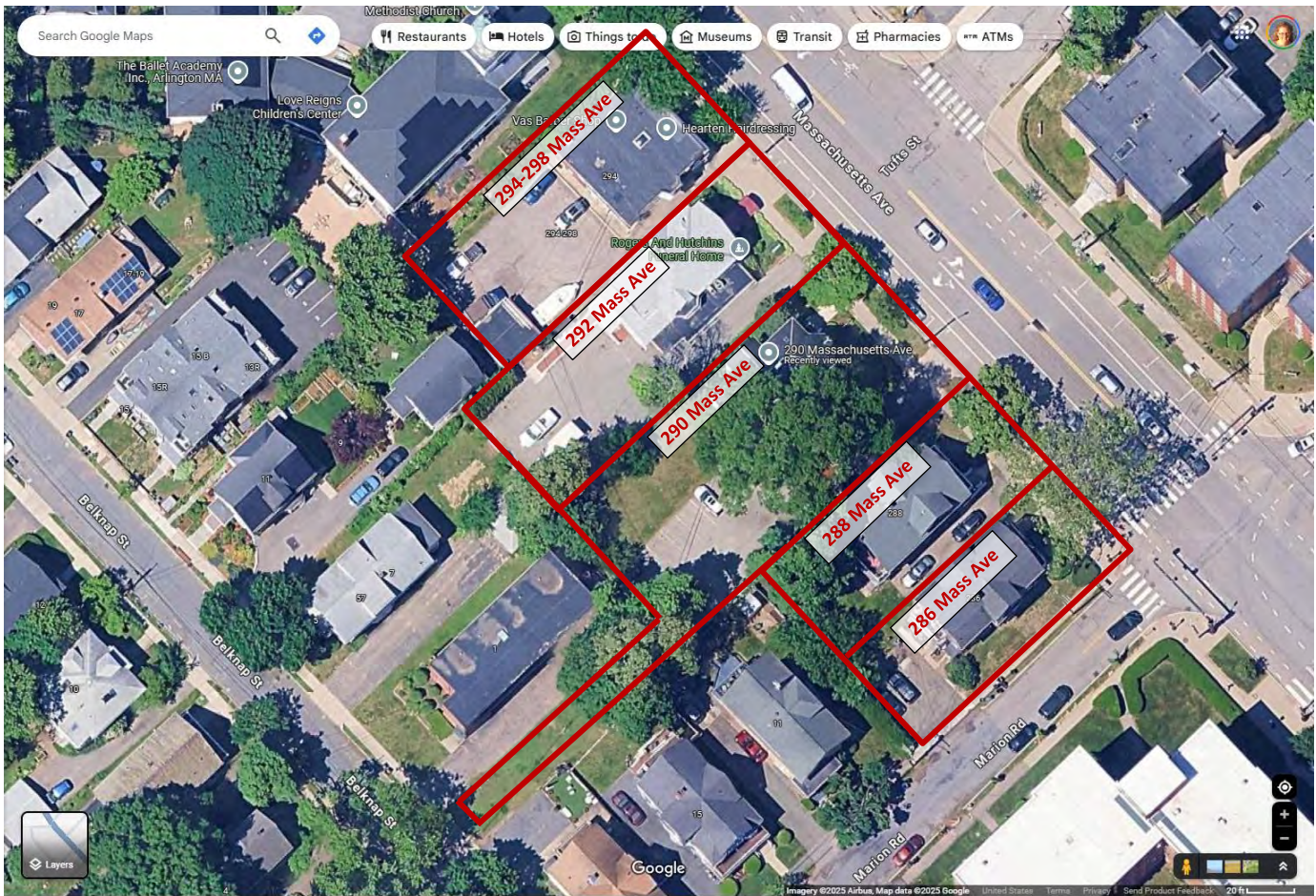


## 251-259 Mass Ave:

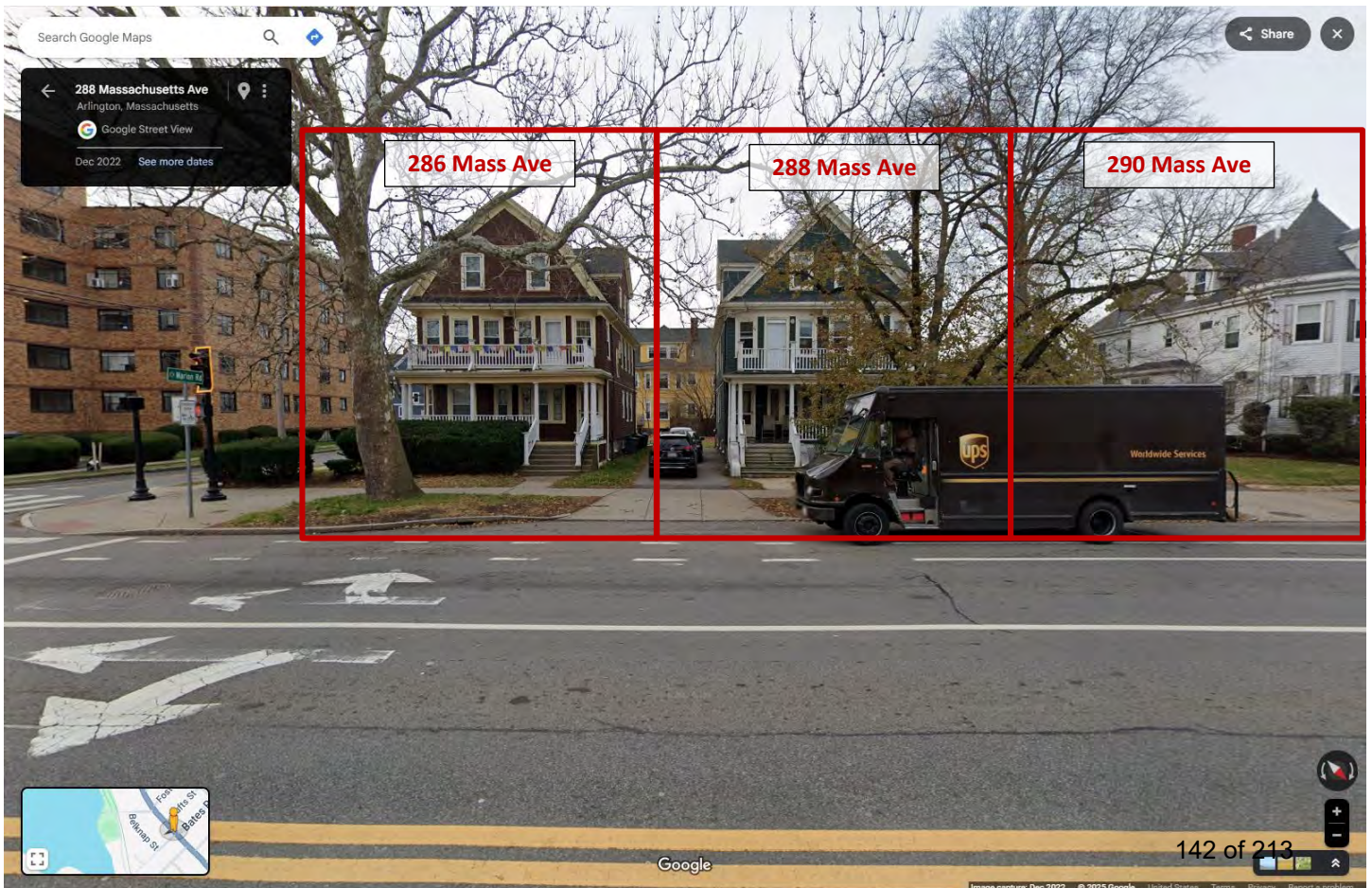




## 286-298 Mass Ave - aerial:

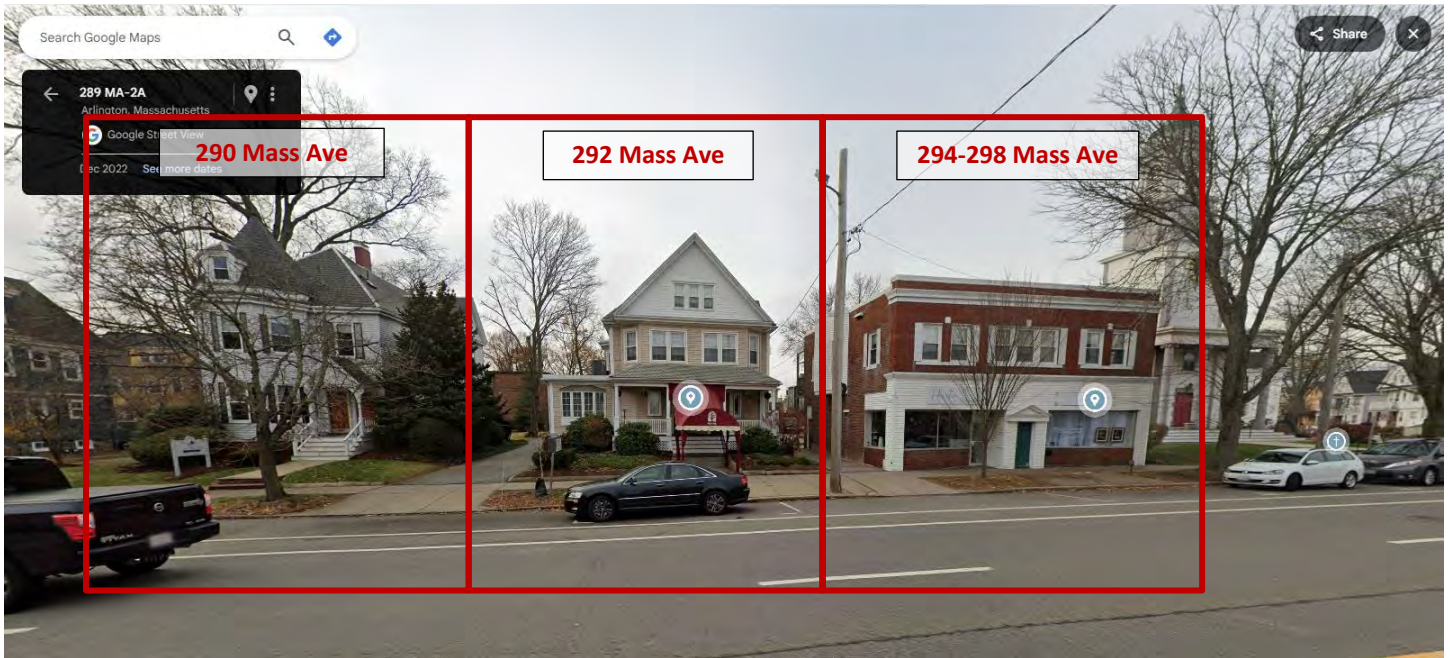


## 286-288 Mass Ave:

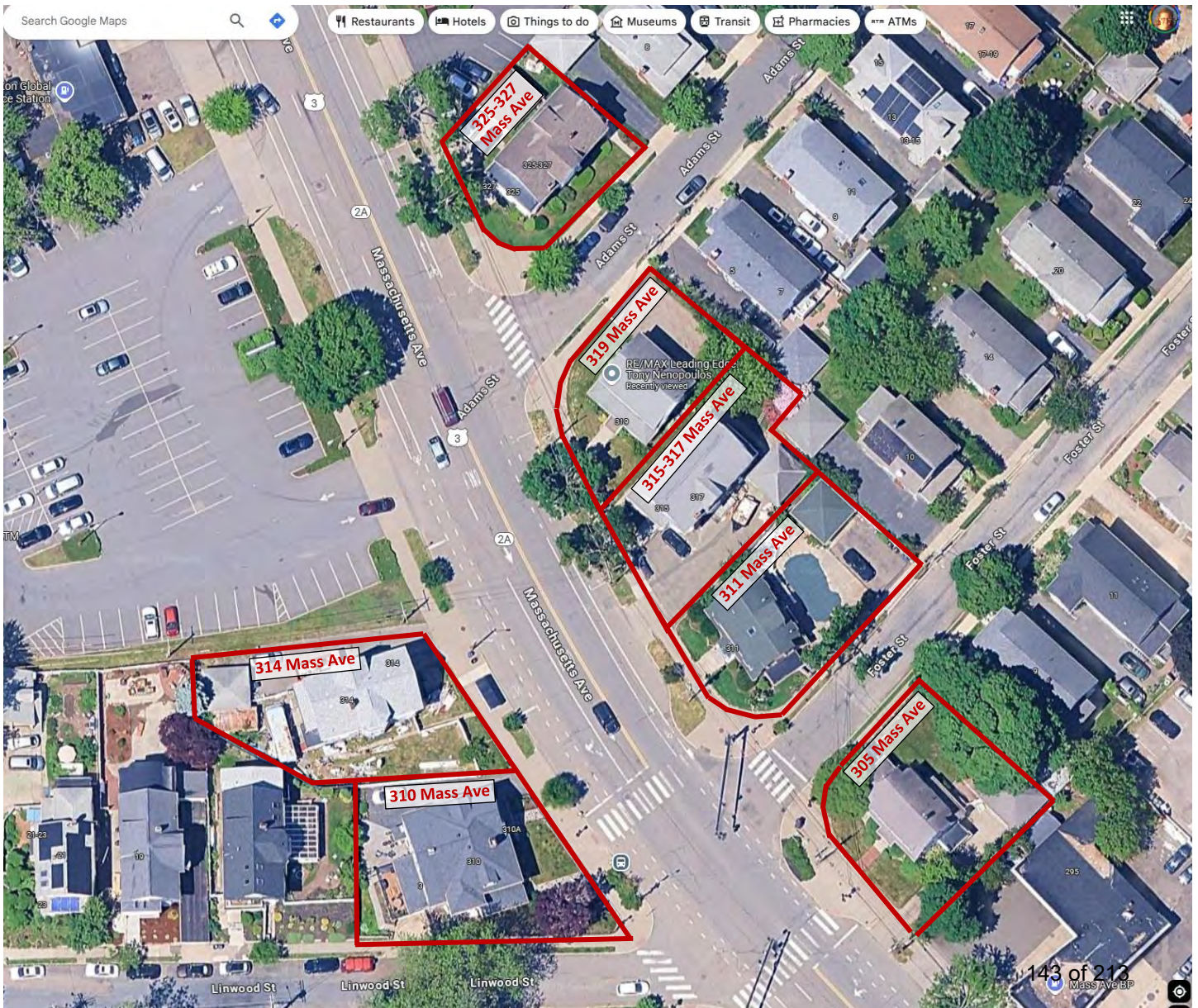




## 290-298 Mass Ave:



## 305-327 Mass Ave – aerial:

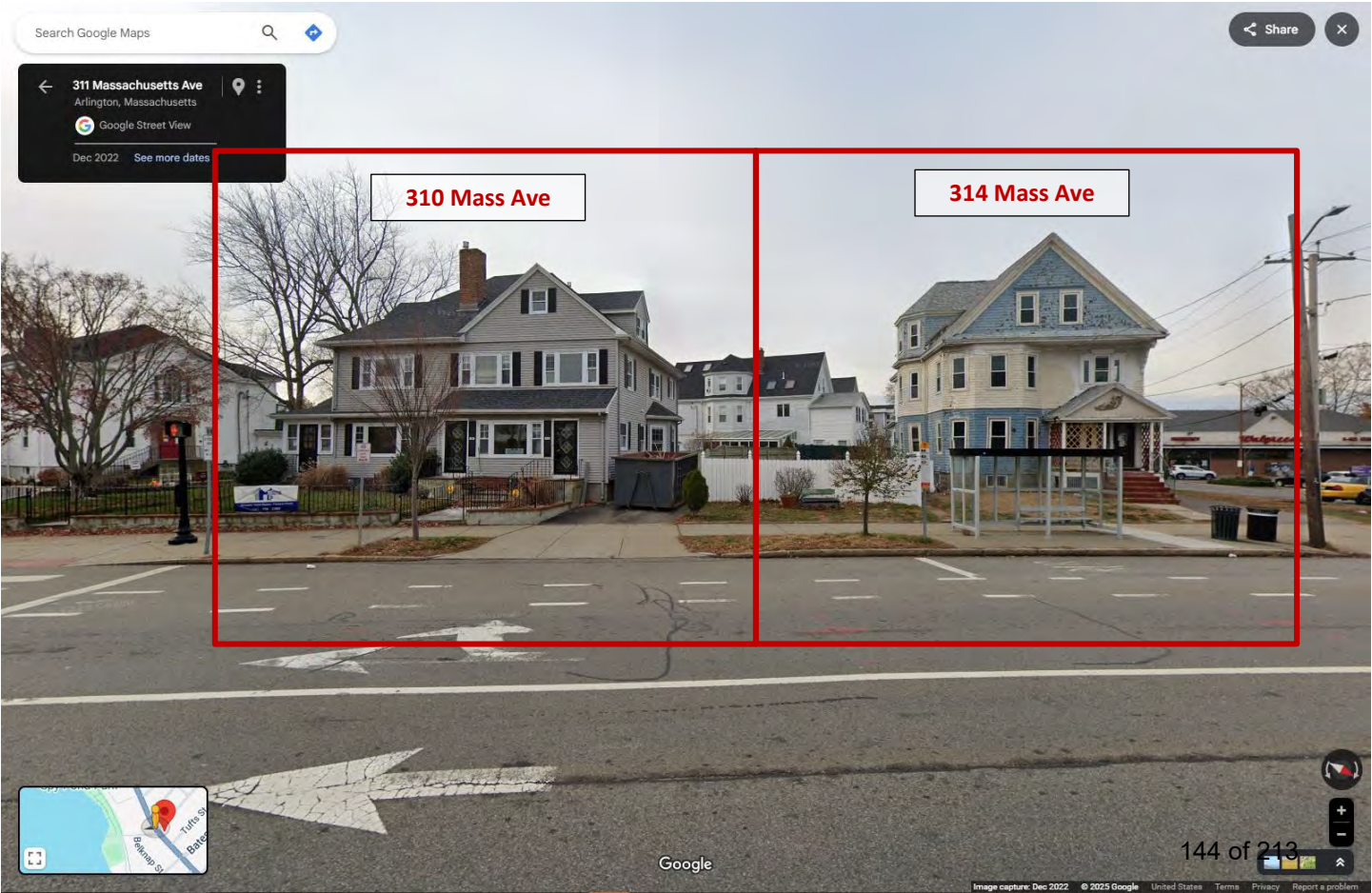




305-311 Mass Ave:

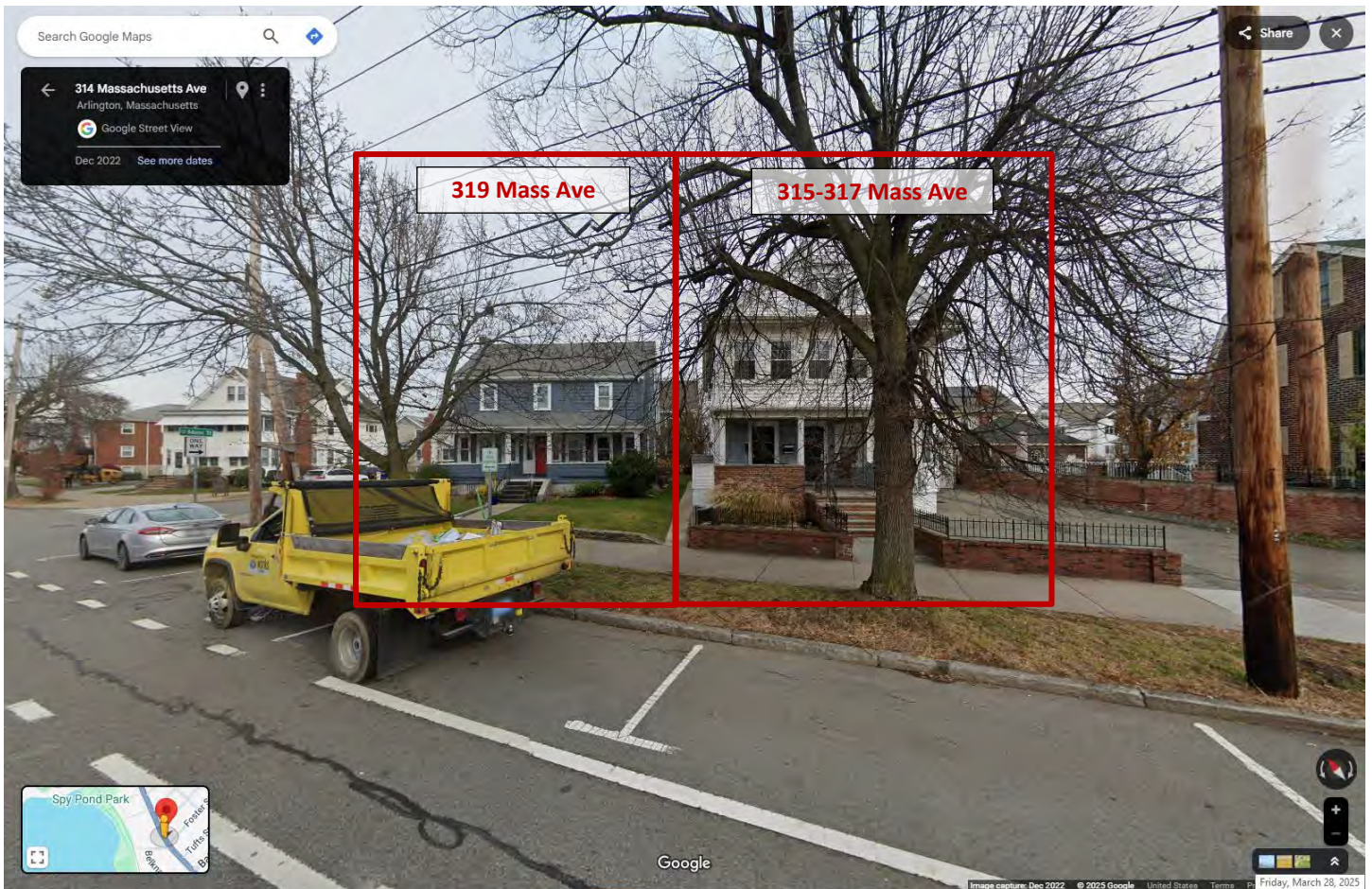


310-314 Mass Ave:





## 315-319 Mass Ave:

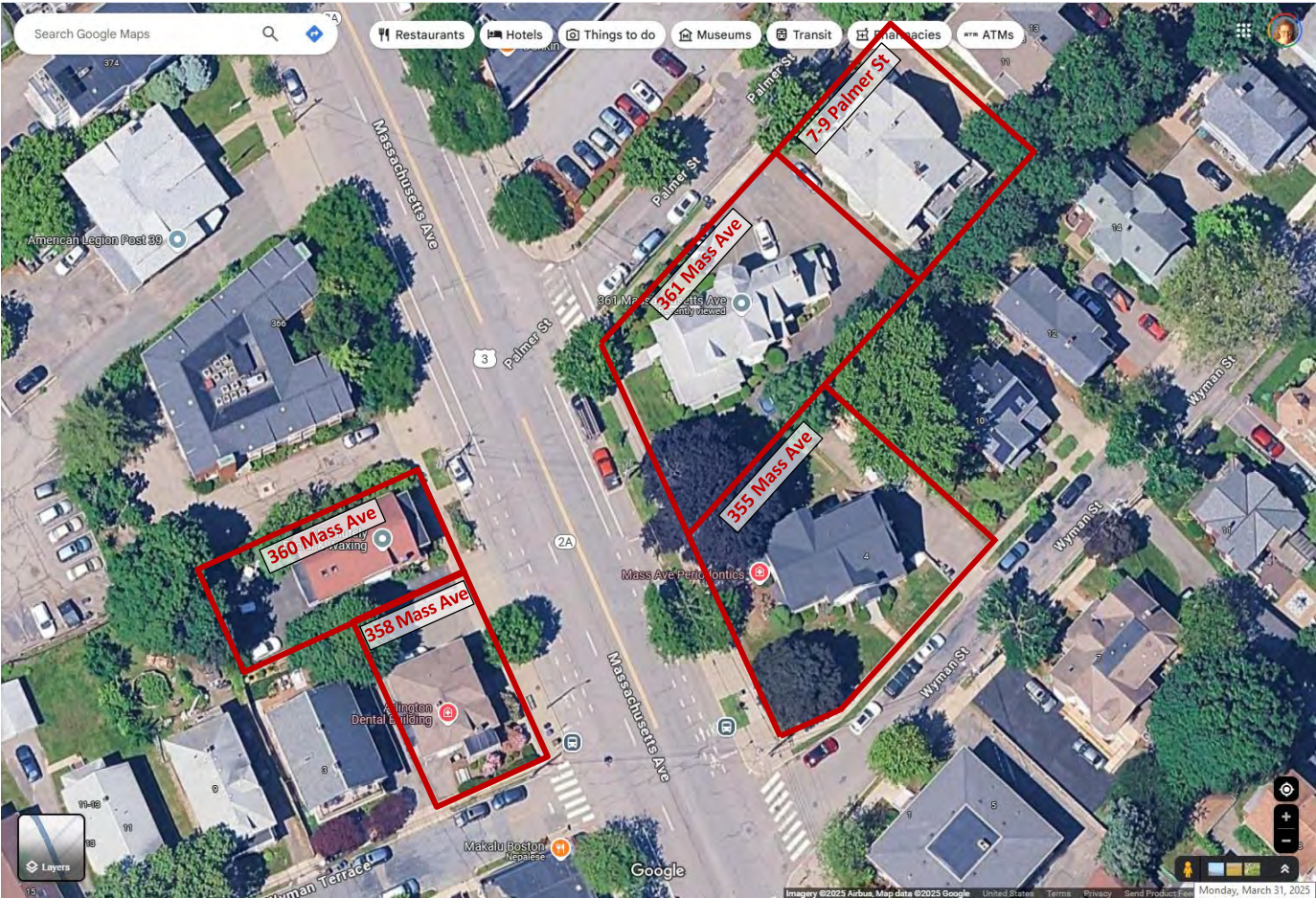


## 325-327 Mass Ave:

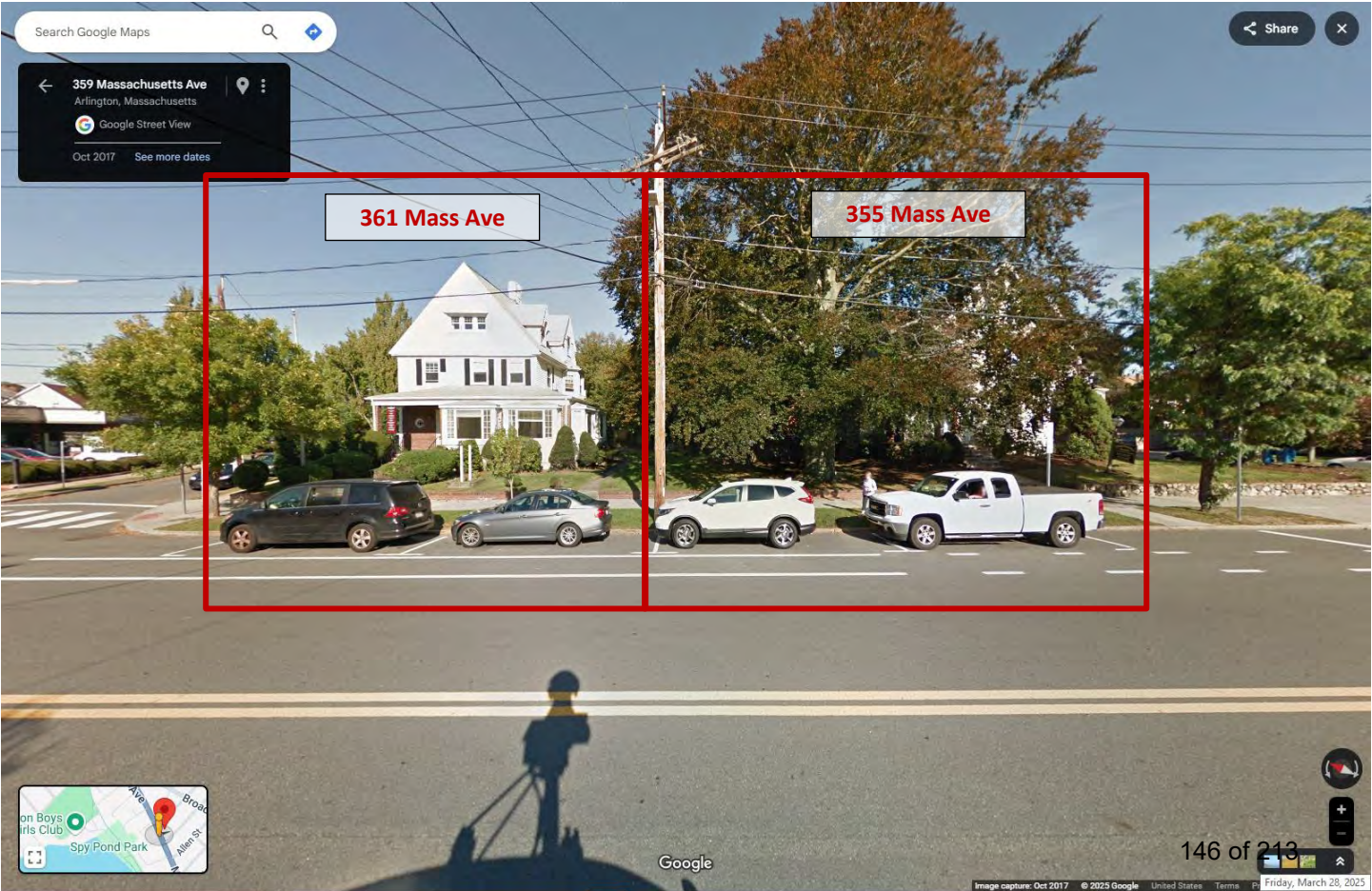




355-361 Mass Ave – aerial:

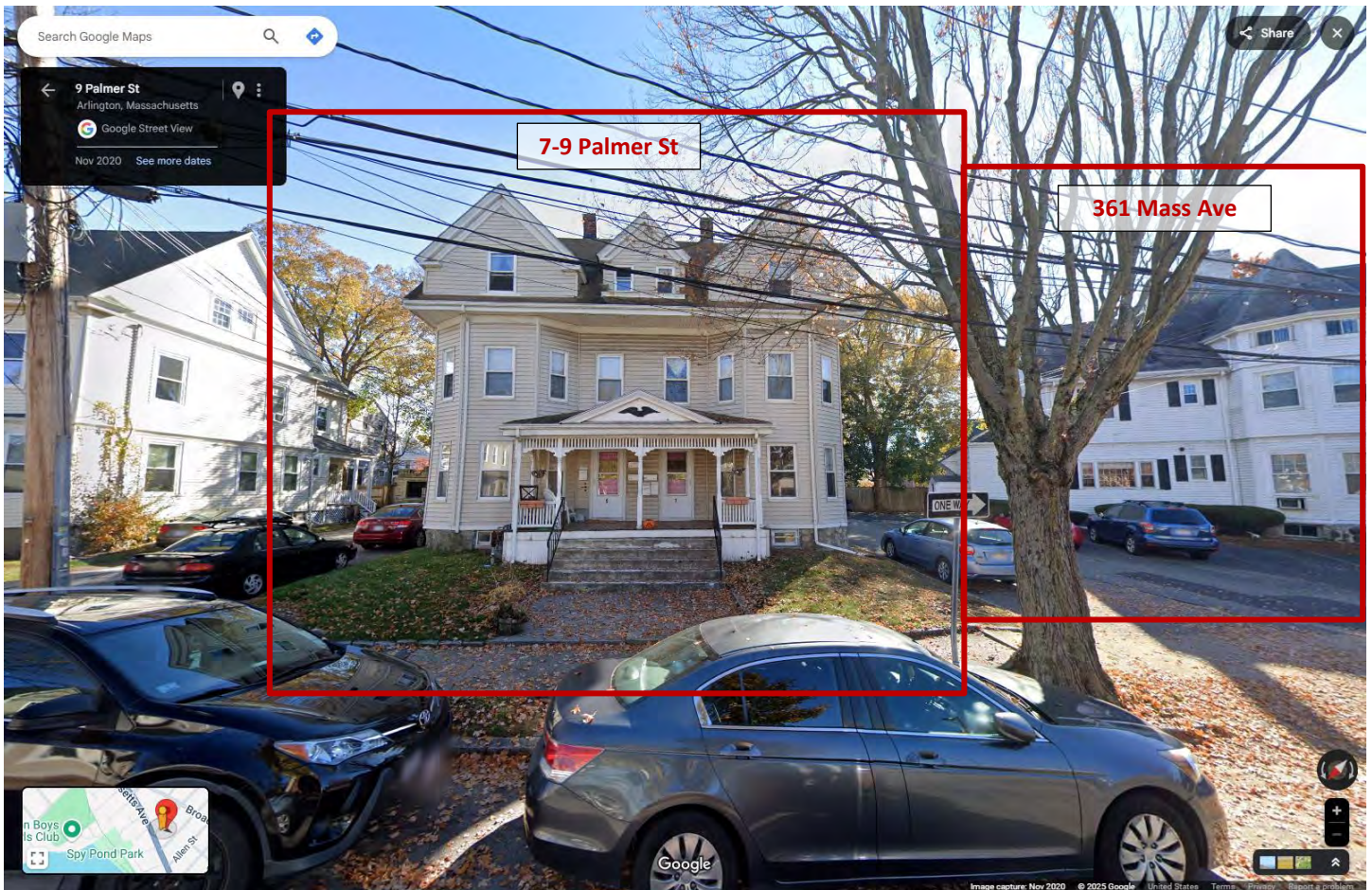


355-361 Mass Ave:

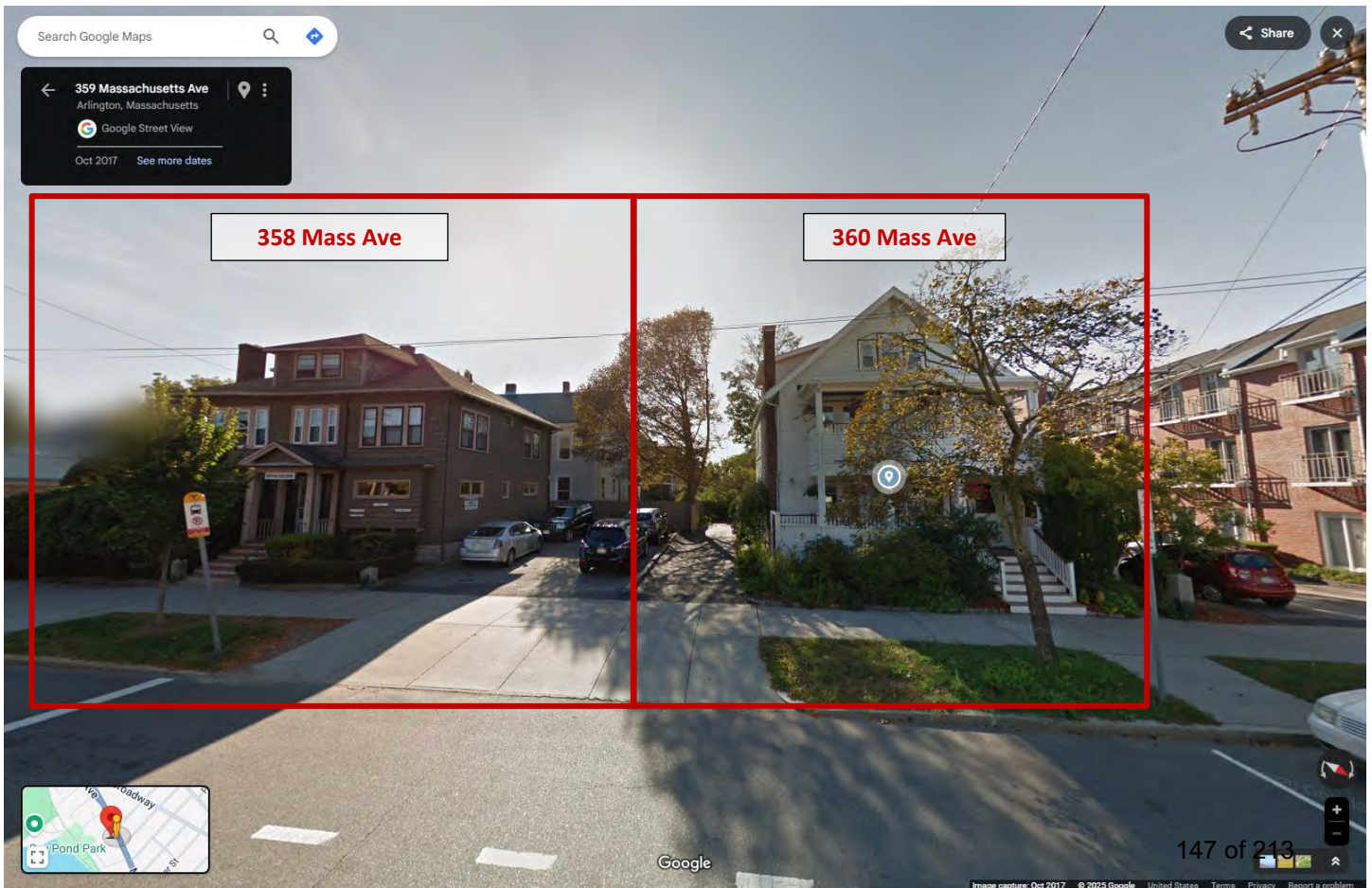




## 7-9 Palmer St:

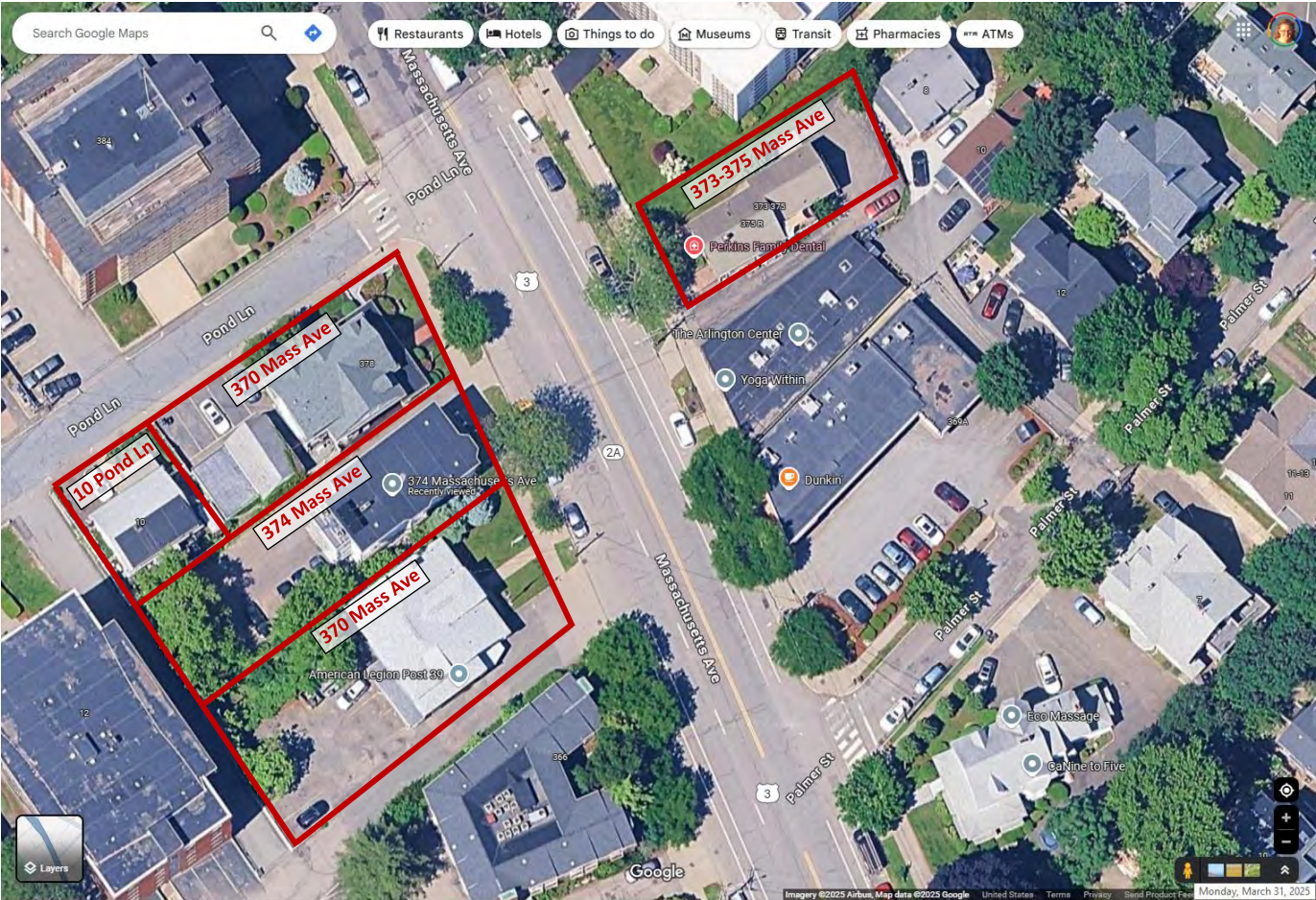


## 358-360 Mass Ave:

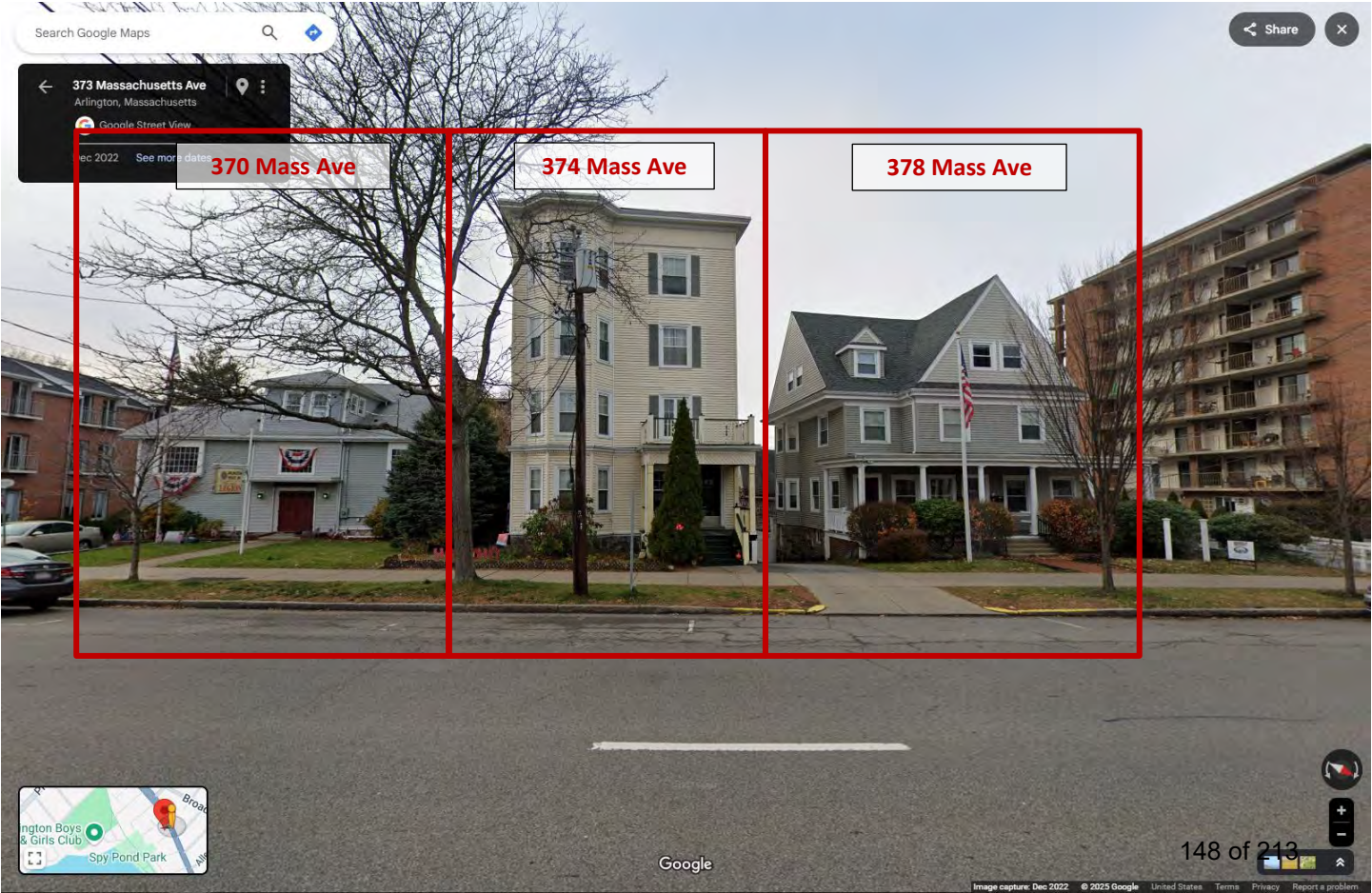




370-378 Mass Ave:

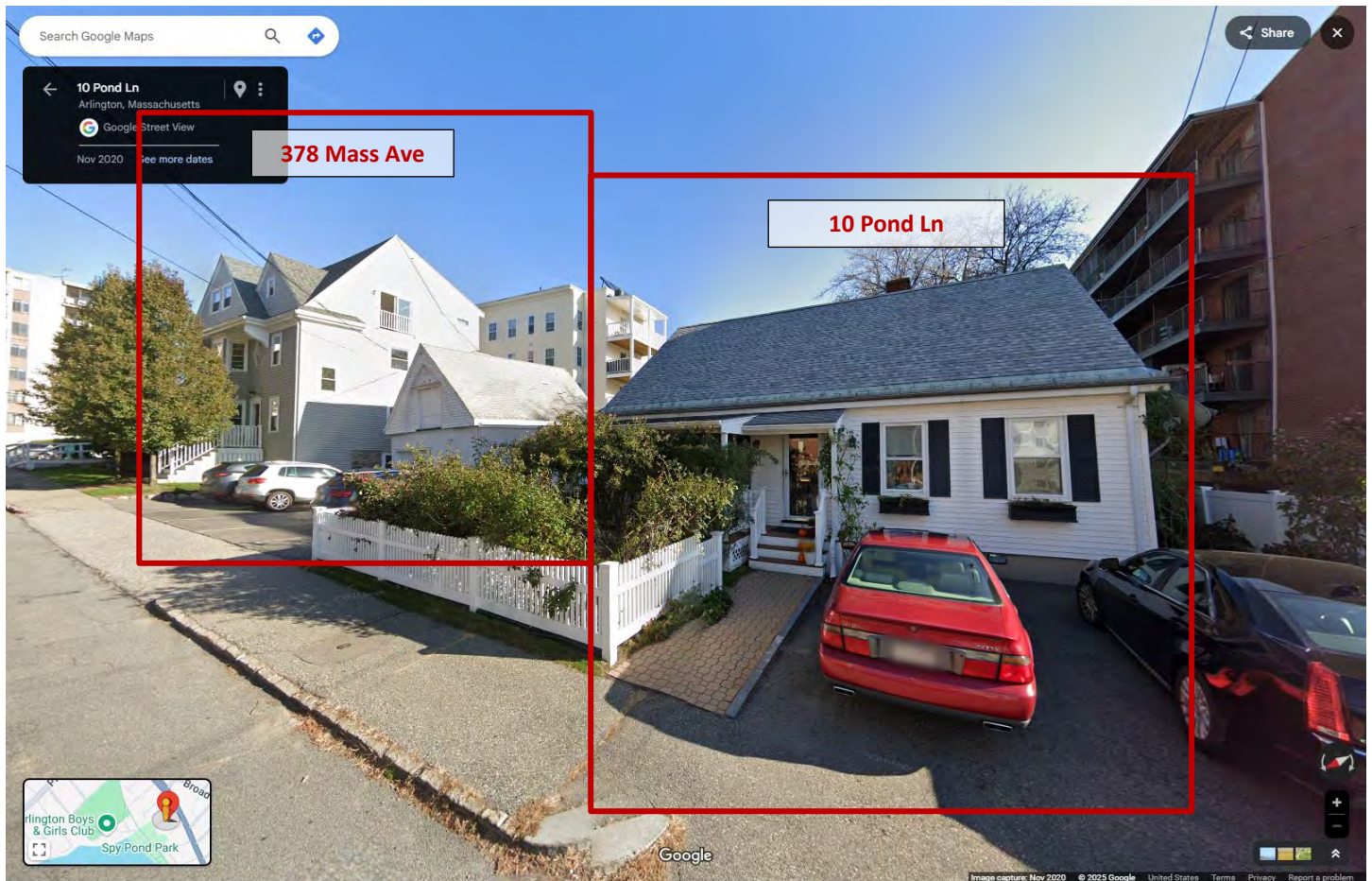


370-378 Mass Ave:





## 10 Pond Ln:



## 373-375 Mass Ave:

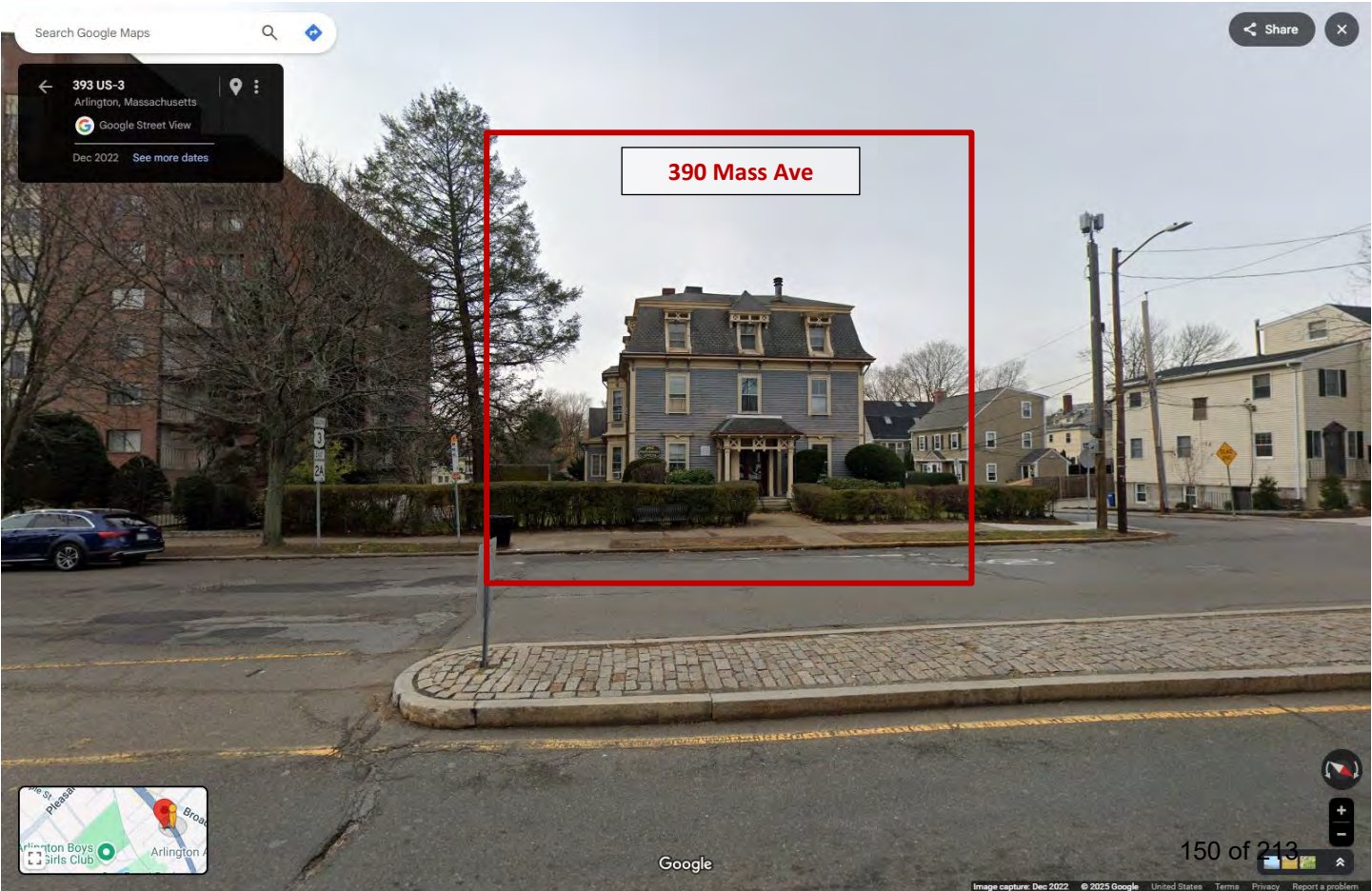




390-418 Mass Ave – aerial:



390 Mass Ave:

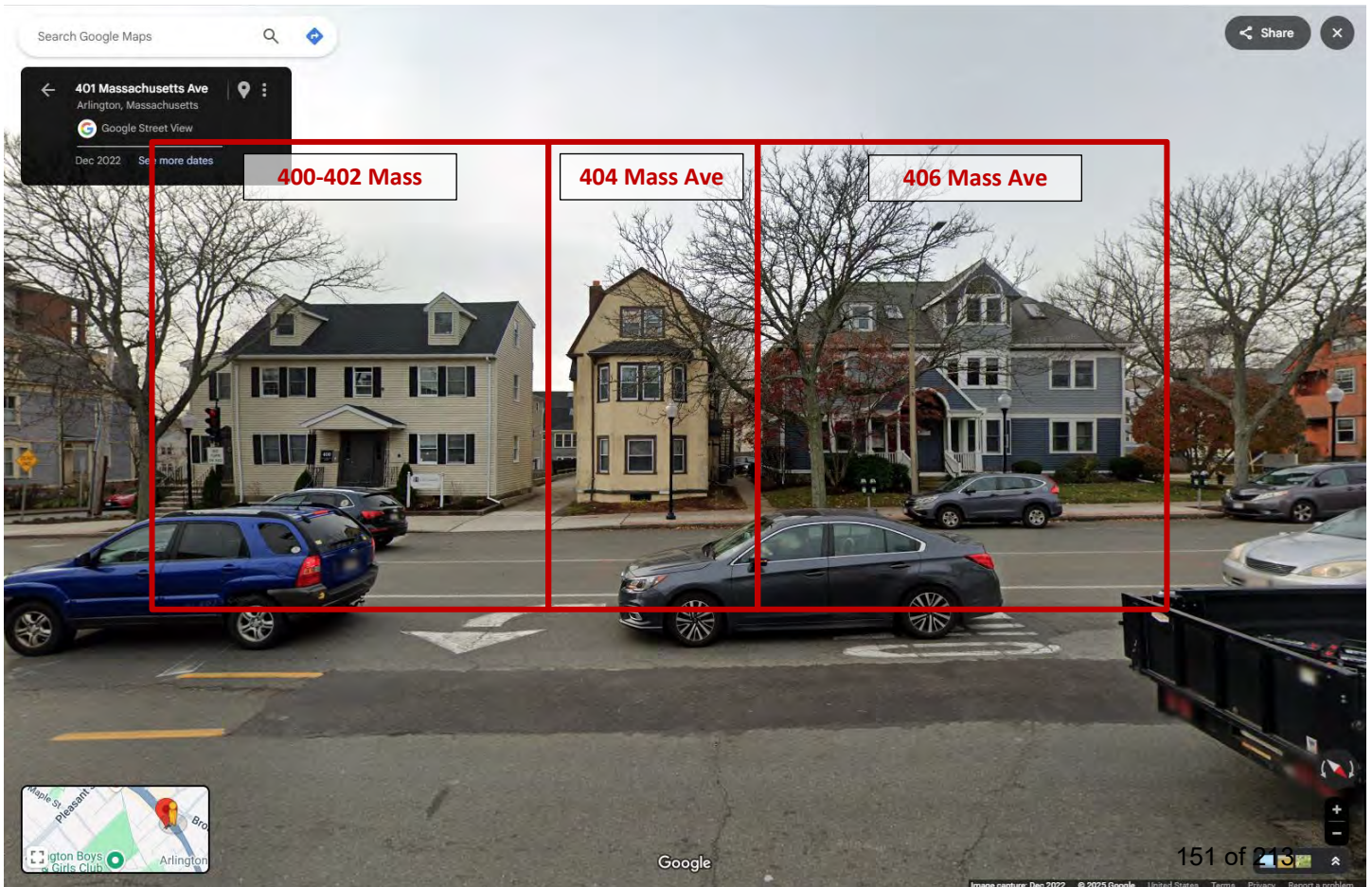




## 8-10 Avon Pl:

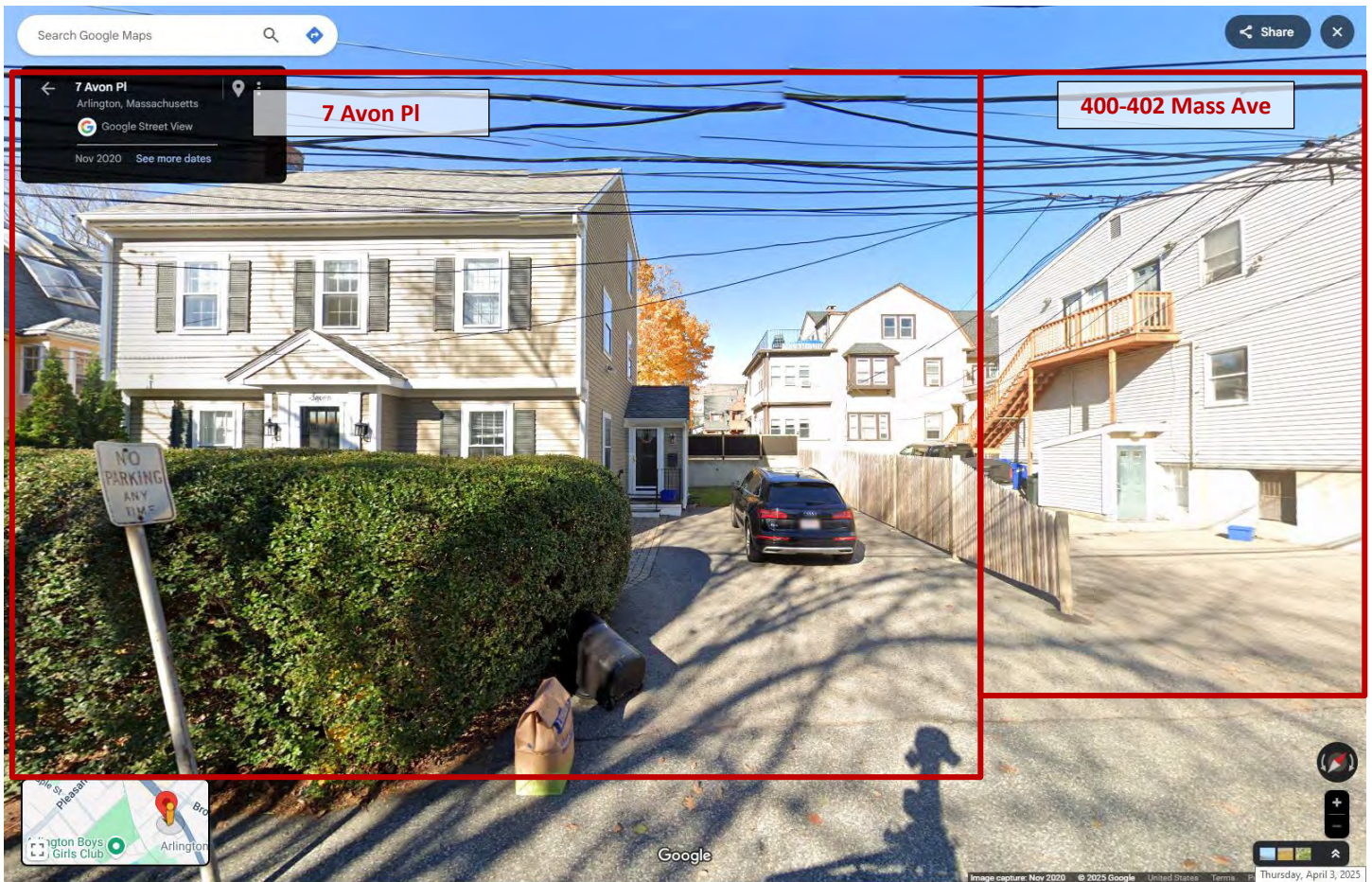


## 400-406 Mass Ave:





## 7 Avon Pl:



## 6-8 Whittemore St:

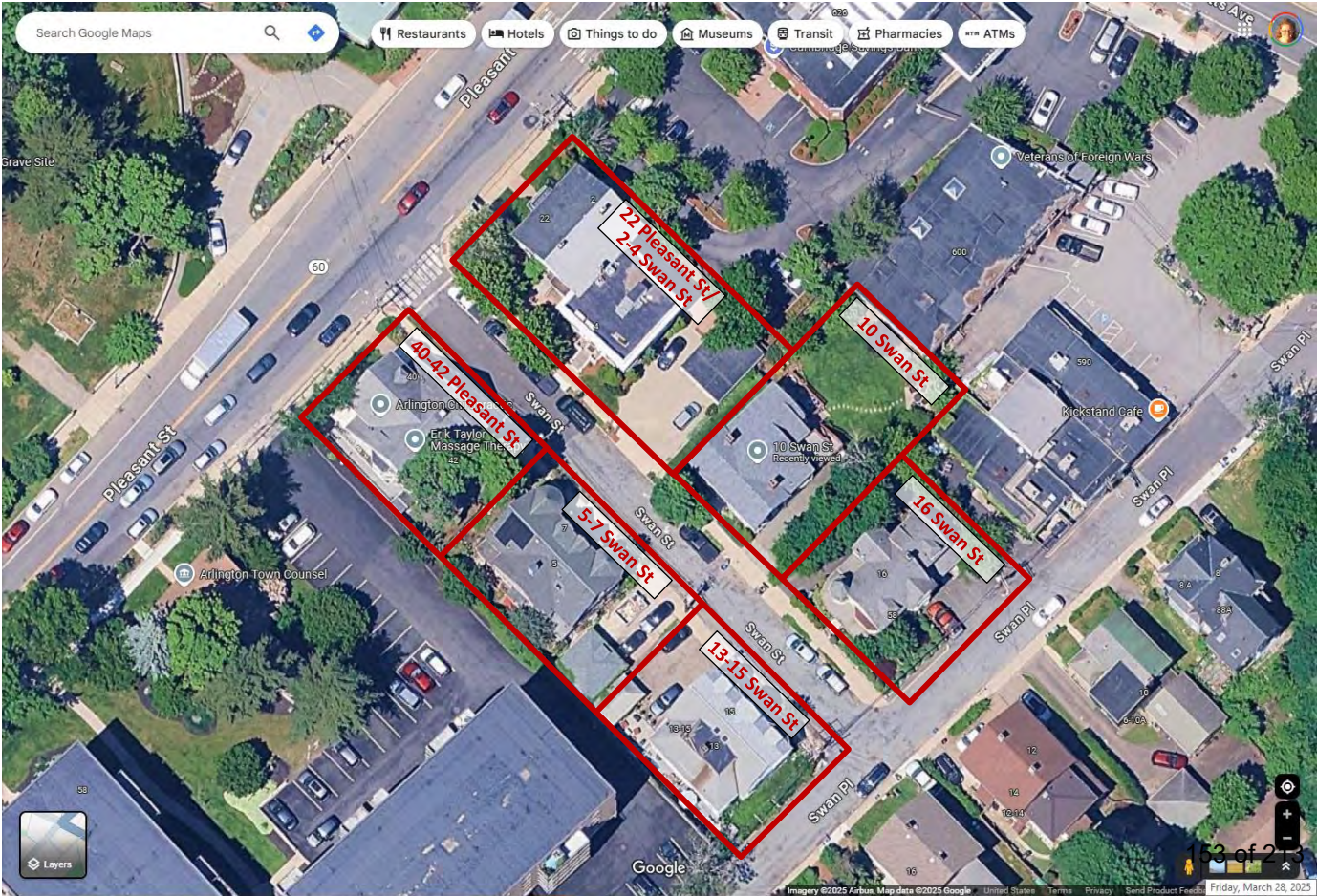




418 Mass Ave:

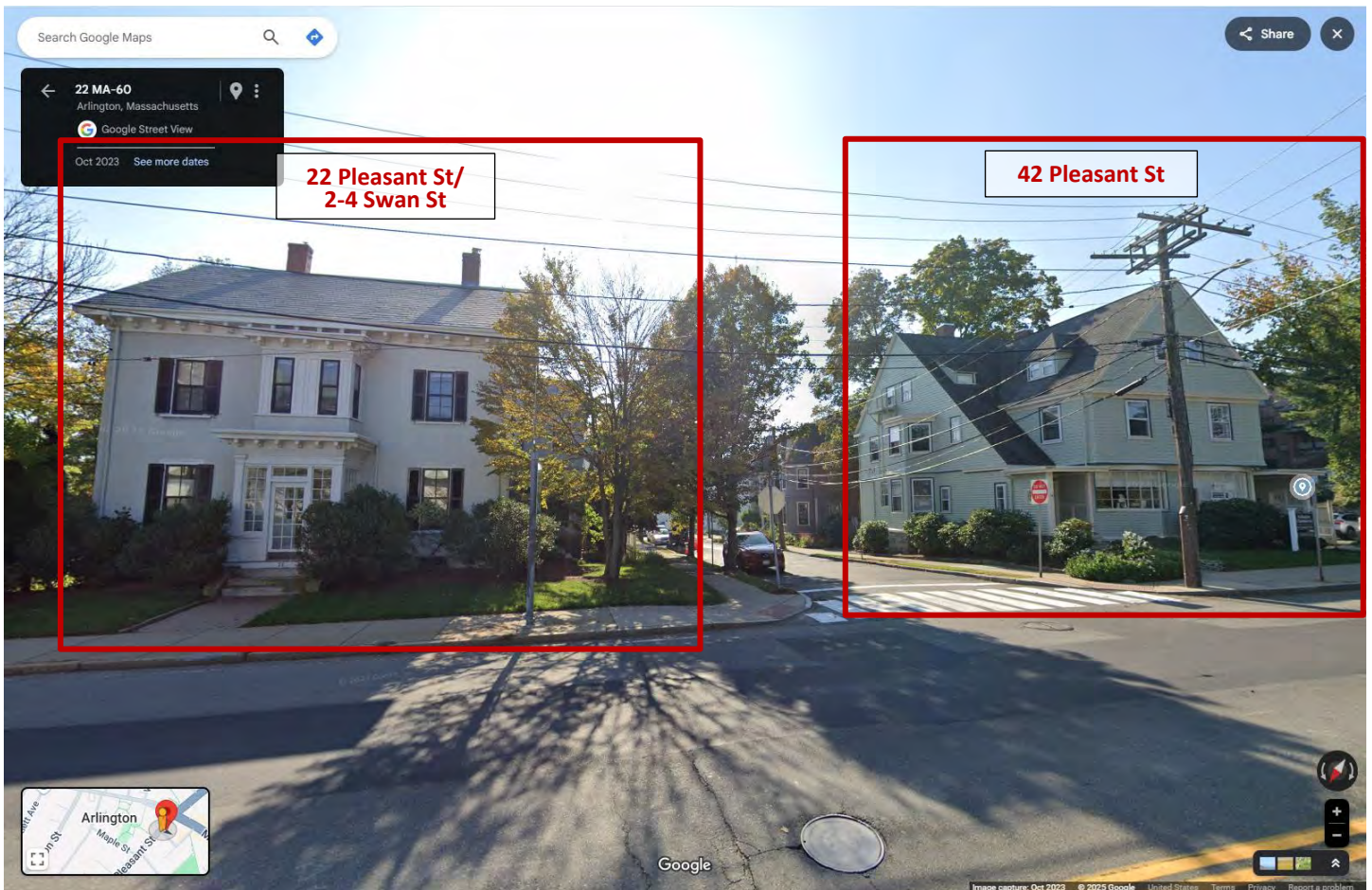


Swan Street – aerial view:





## 22-42 Pleasant St:

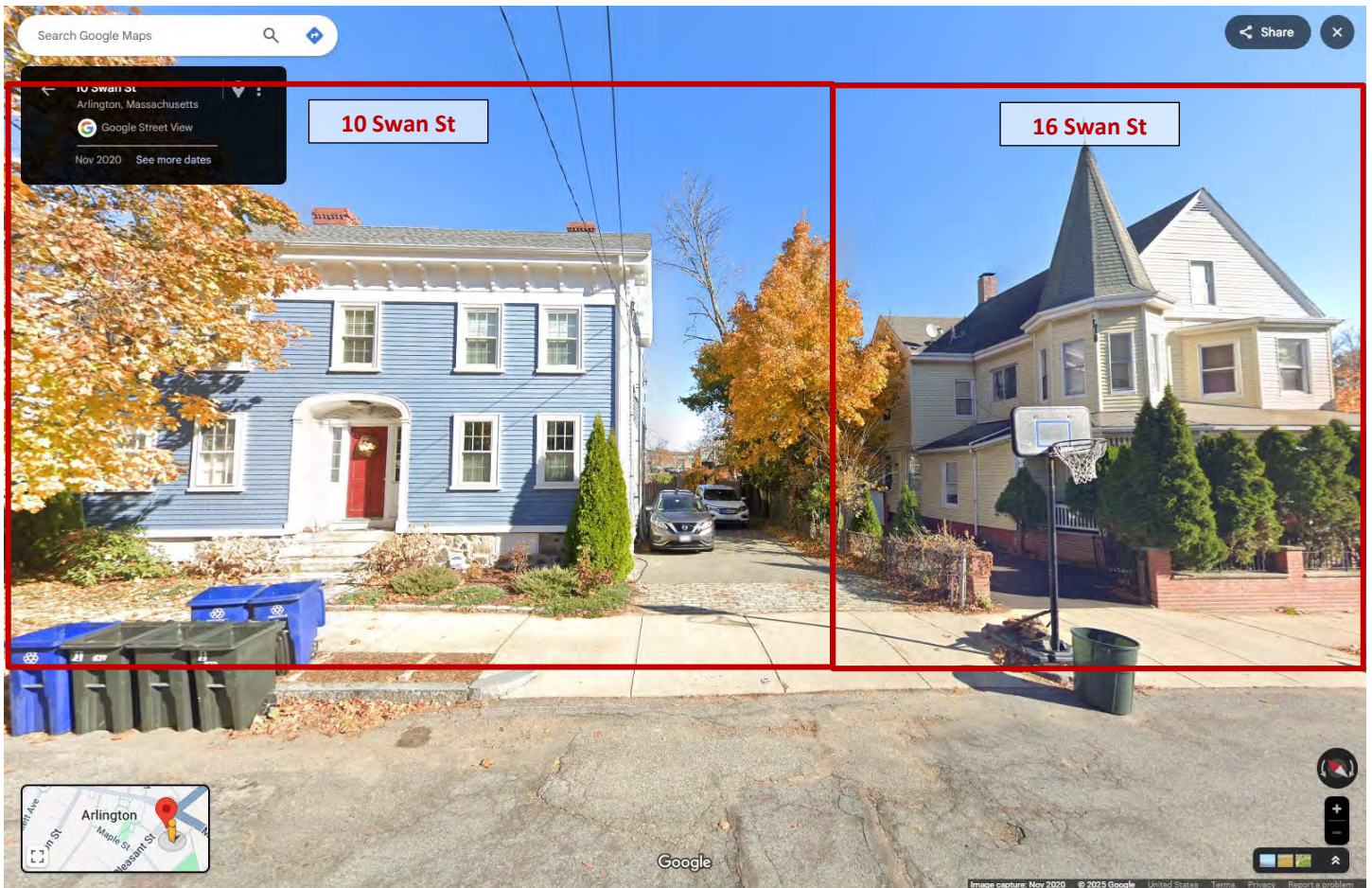


## 5-15 Swan St:





## 10-16 Swan St:



## Court and Water Streets – aerial view:





6-12 Water St:

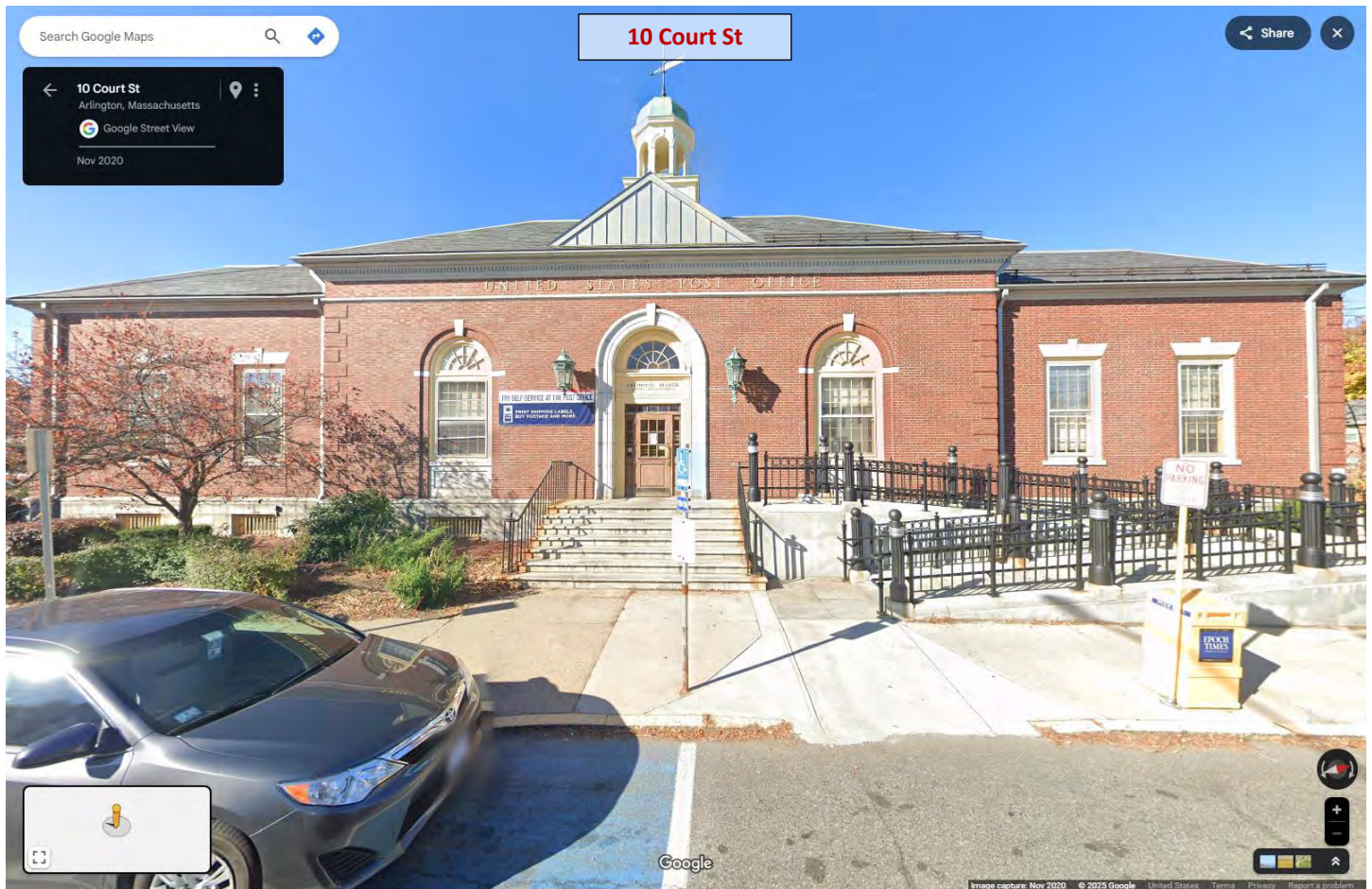


9 Court St, 0Lot Court St:

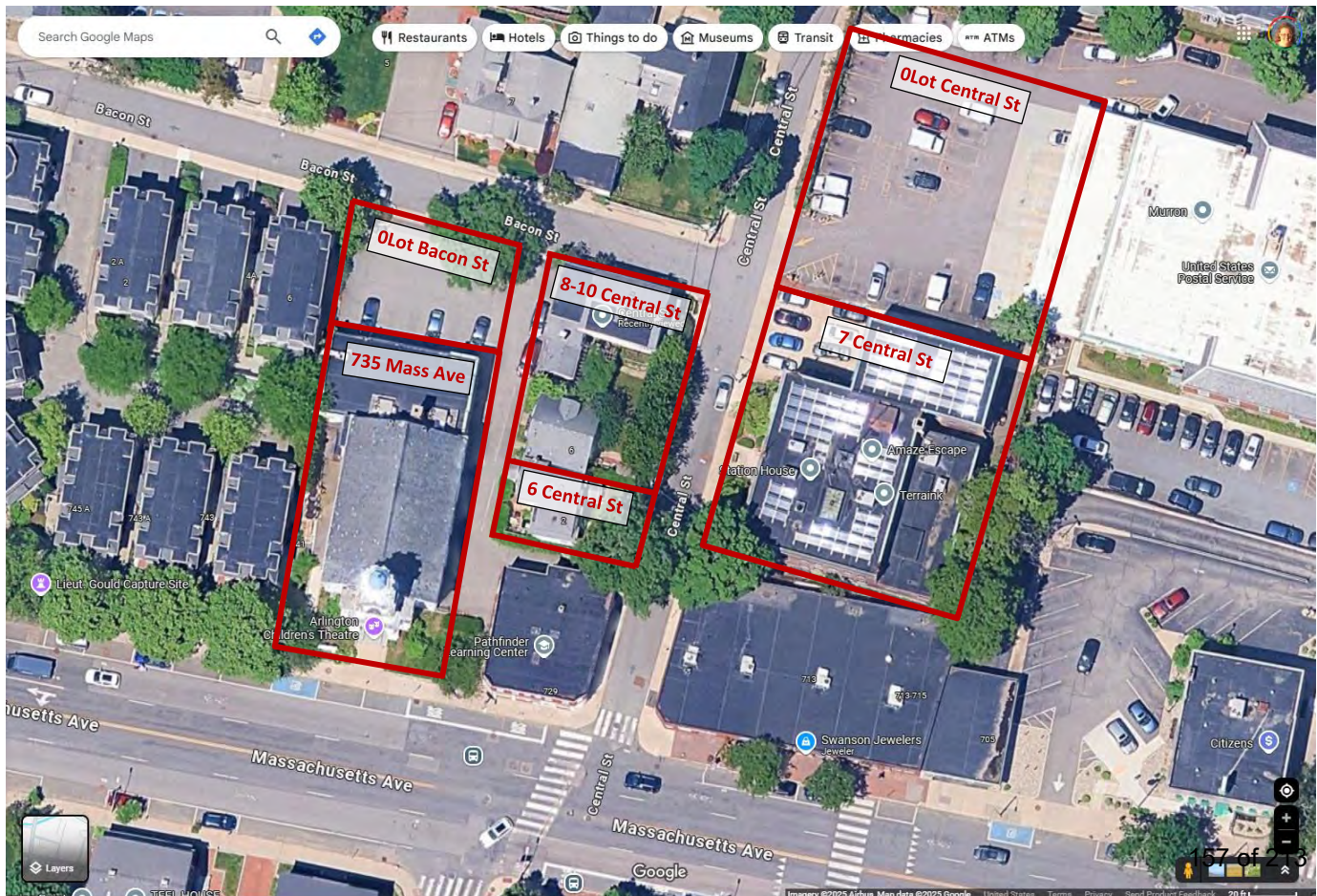




## 10 Court St:



## Central St, 735 Mass Ave, 0Lot Bacon – aerial view:

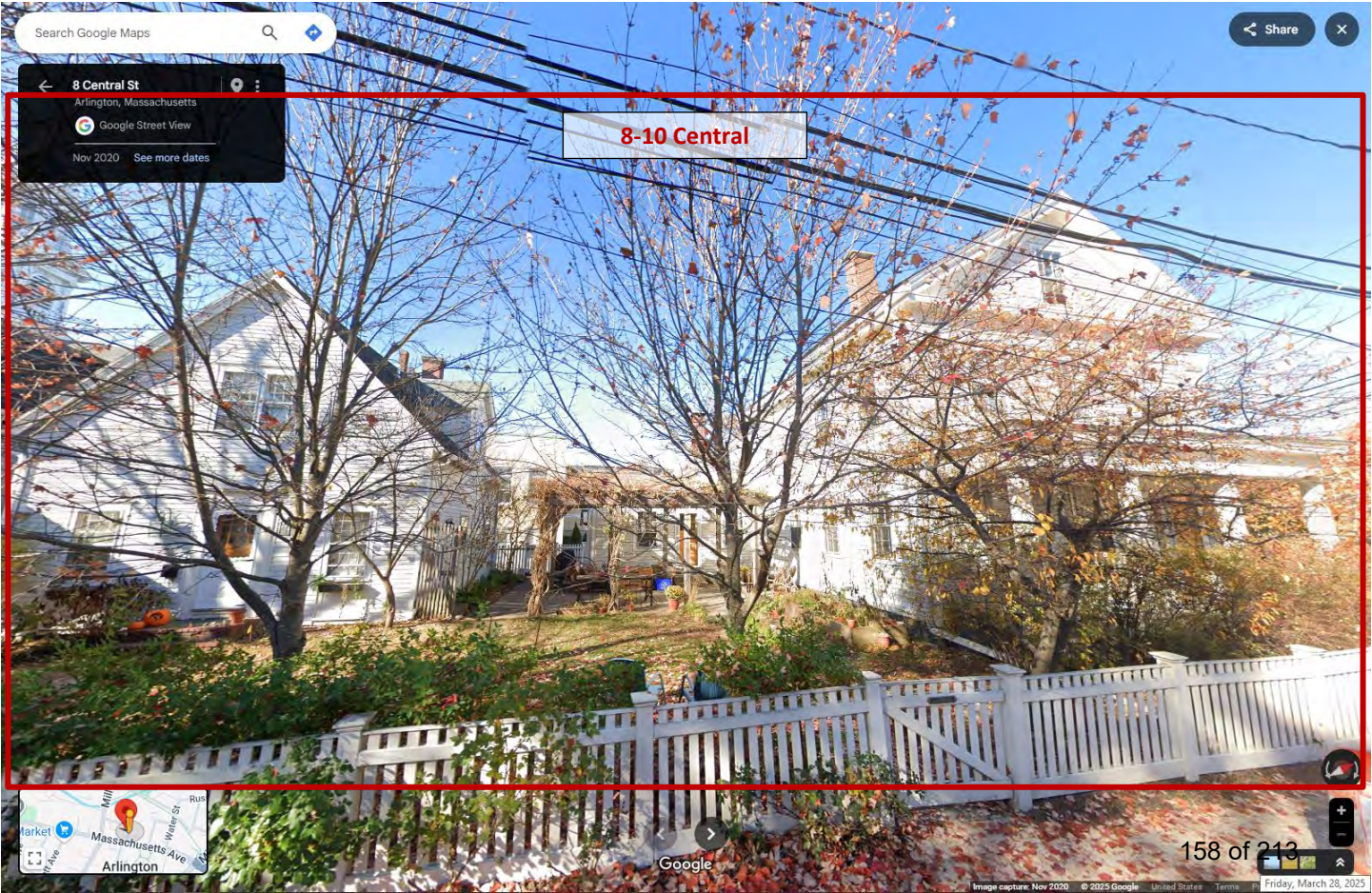




7 Central St, 0Lot Central St:

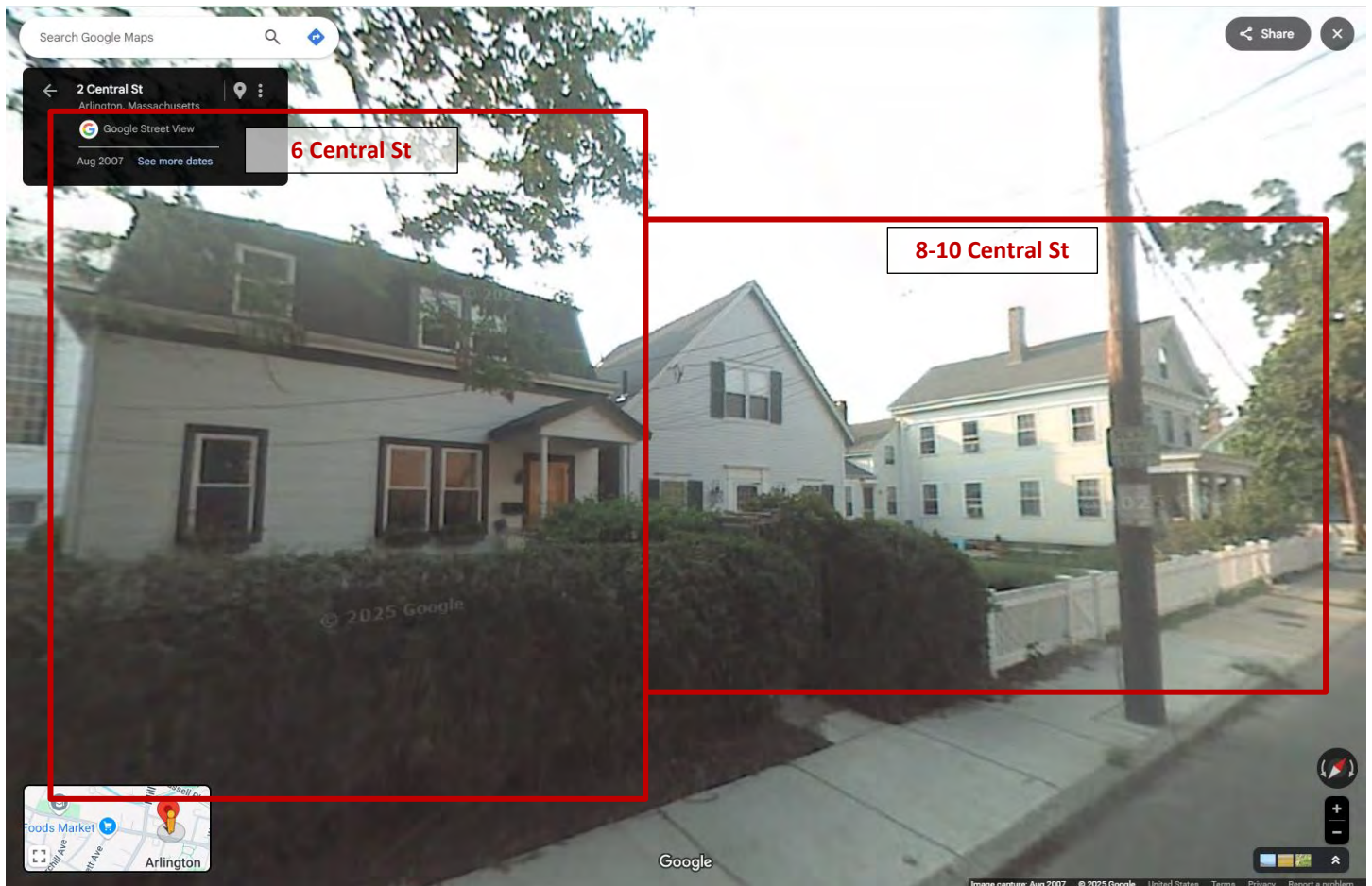


8-10 Central:





## 6 Central St:

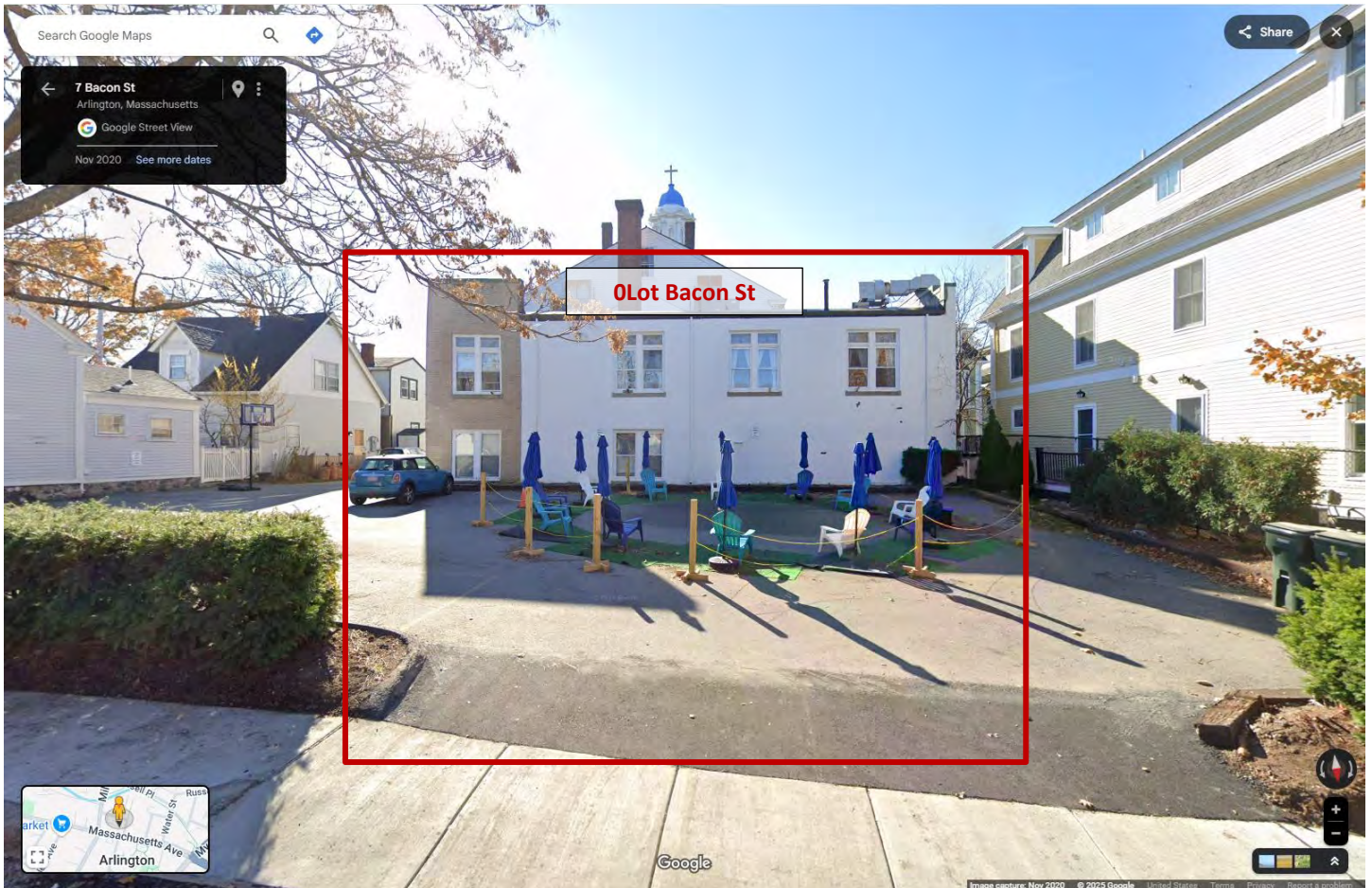


## 735 Mass Ave:





## 0Lot Bacon Street (empty lot behind Highrock Church):

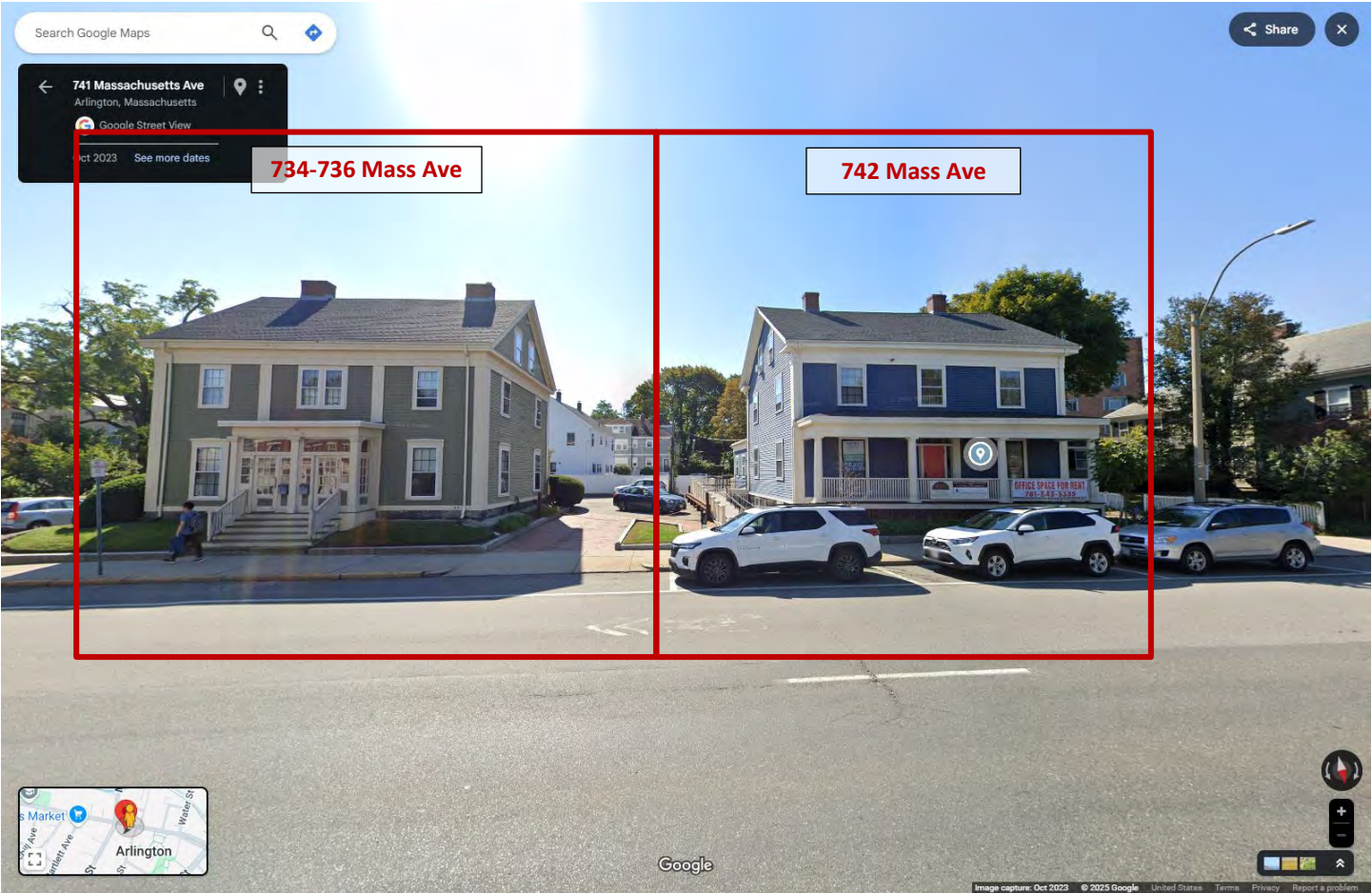


## 734-754 Mass Ave – aerial view:

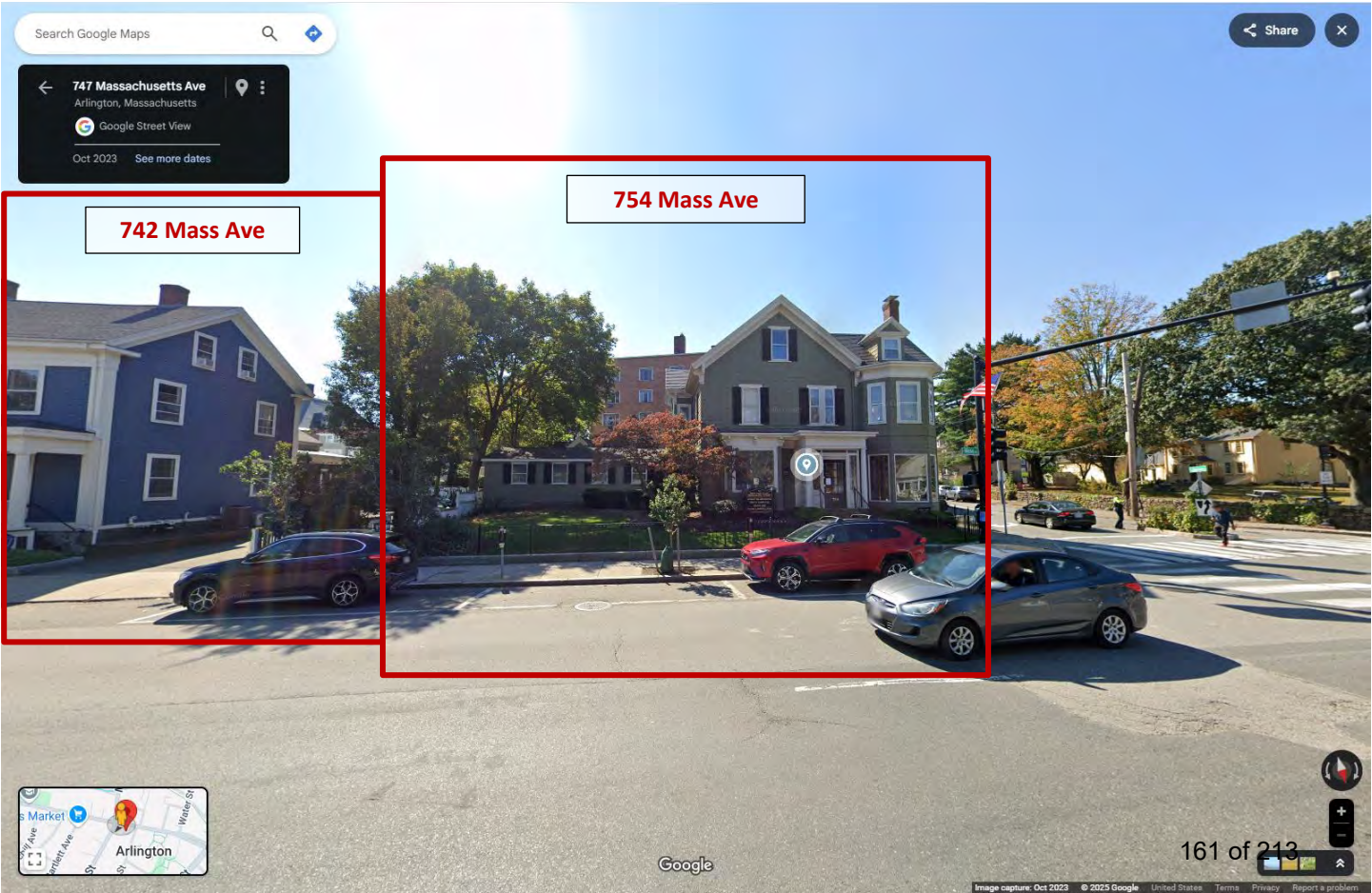




734-742 Mass Ave:

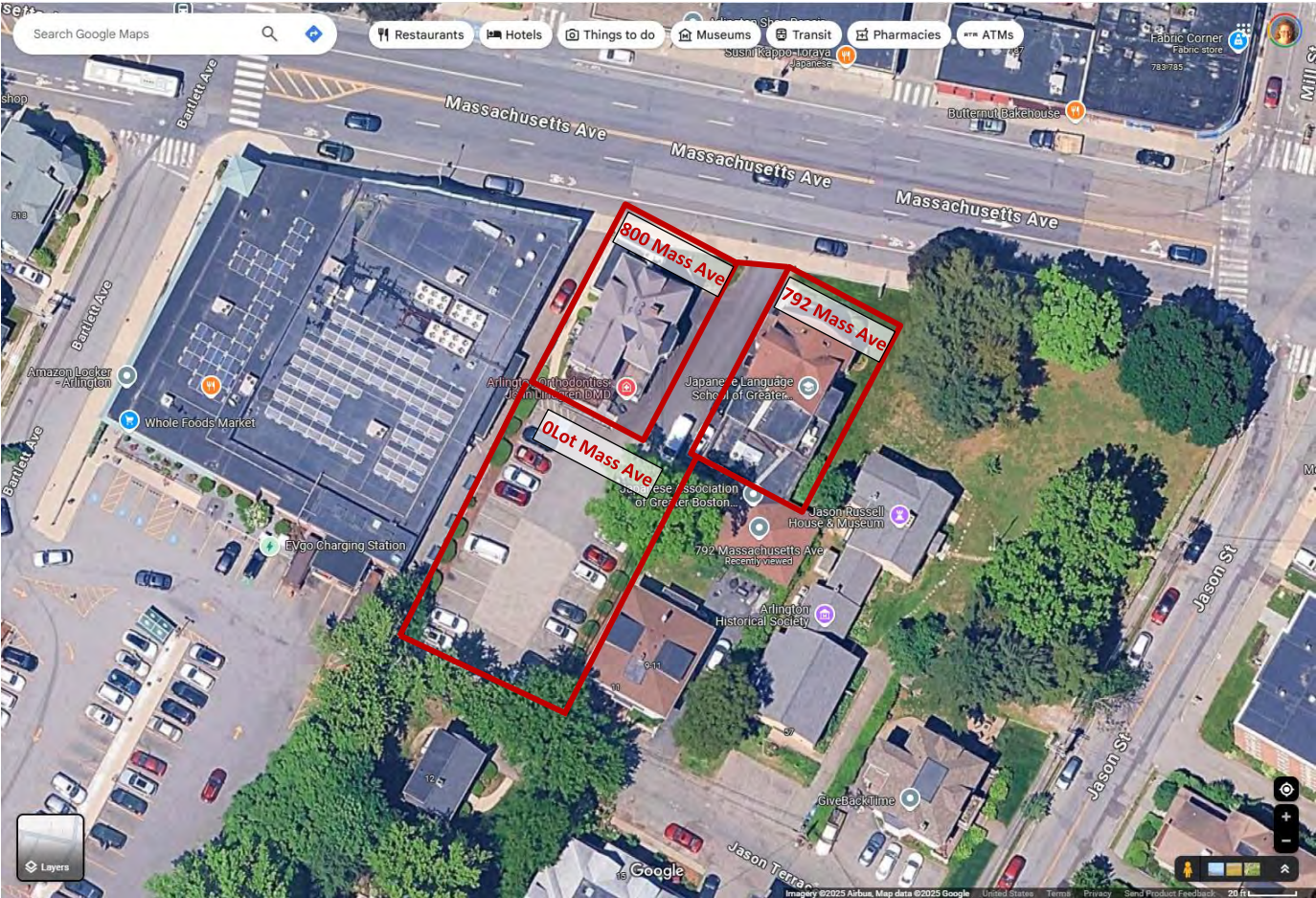


754 Mass Ave:

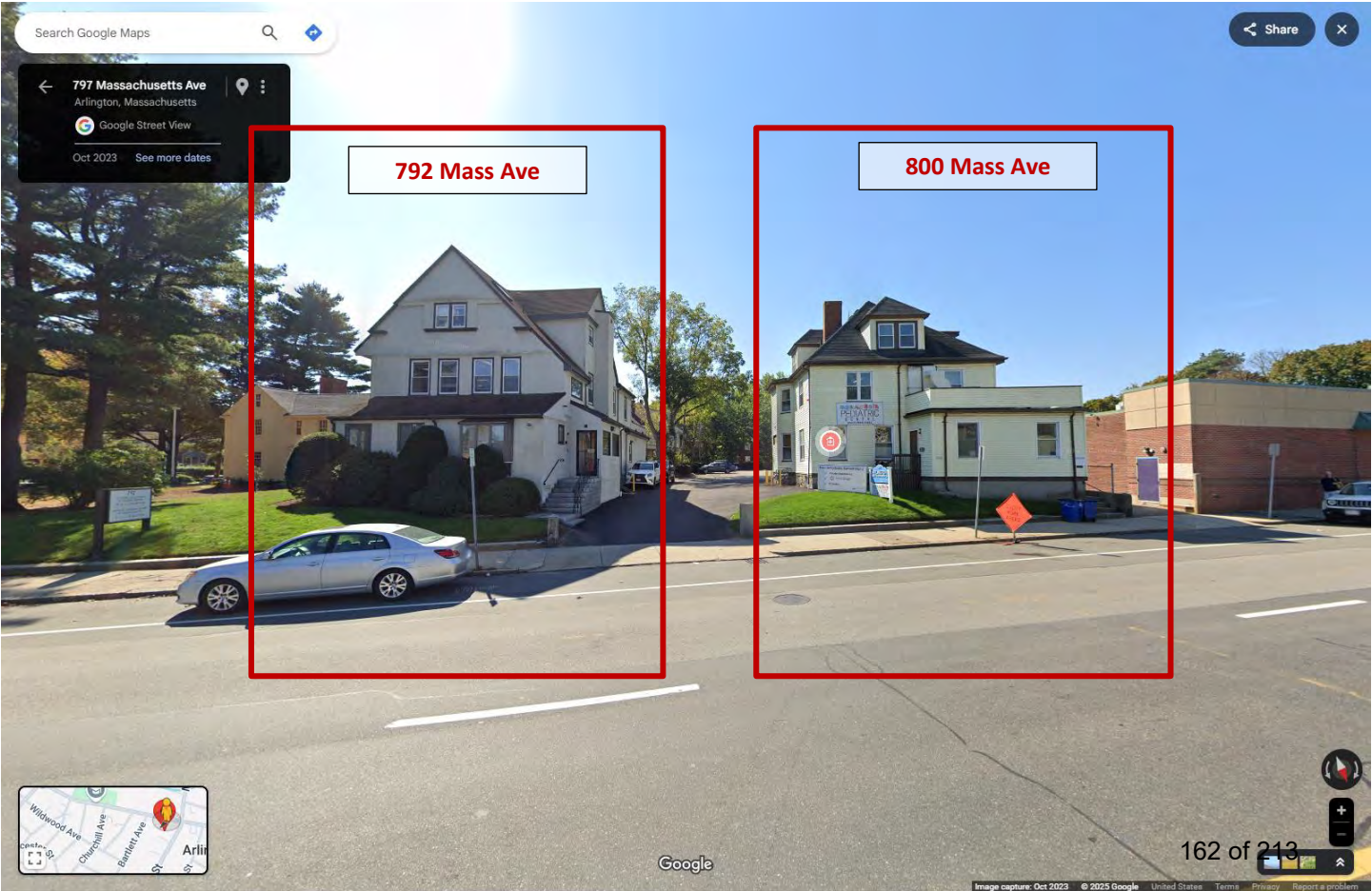




792-800 Mass Ave, 0Lot Mass Ave – aerial view:

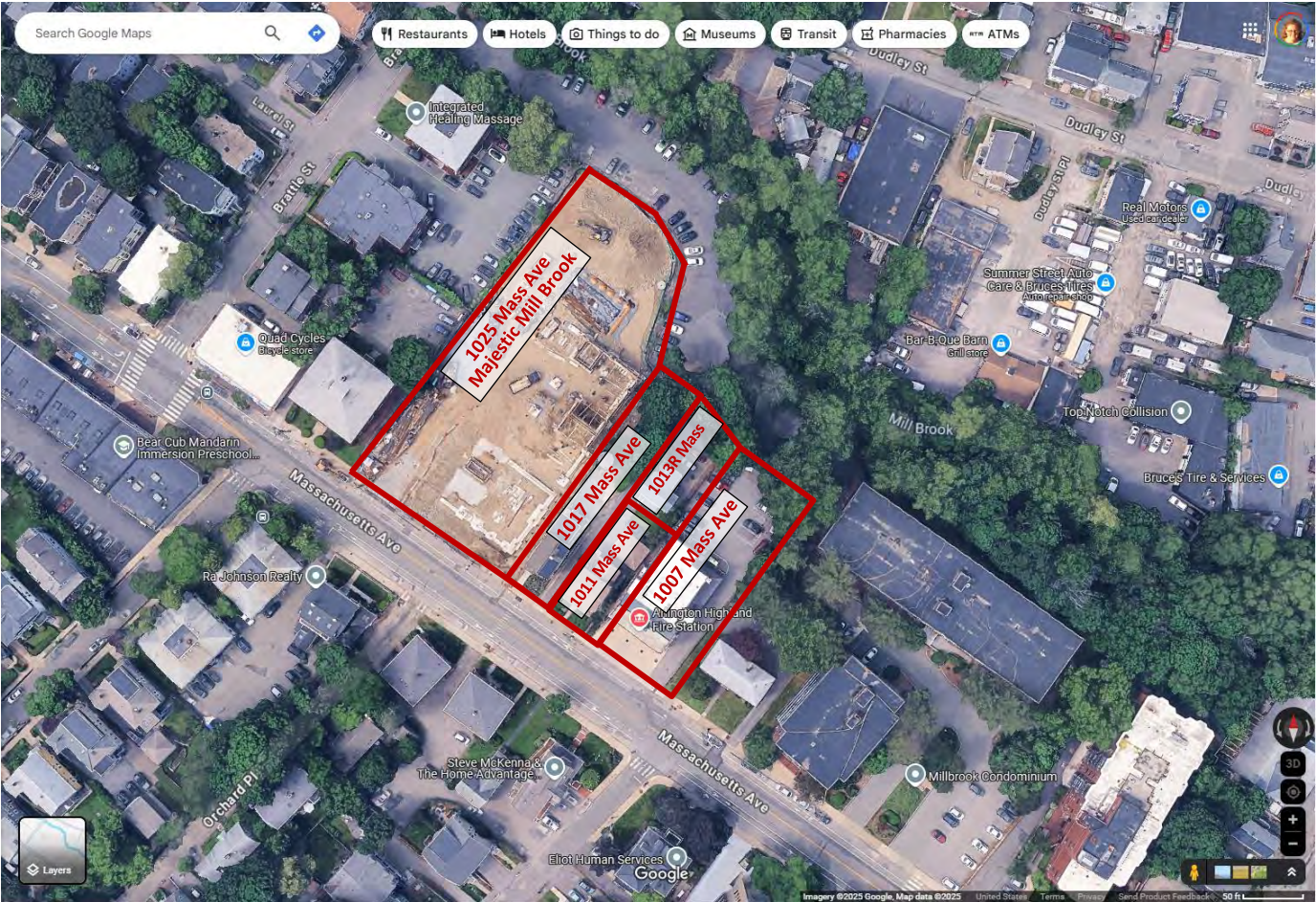


792-800 Mass Ave:

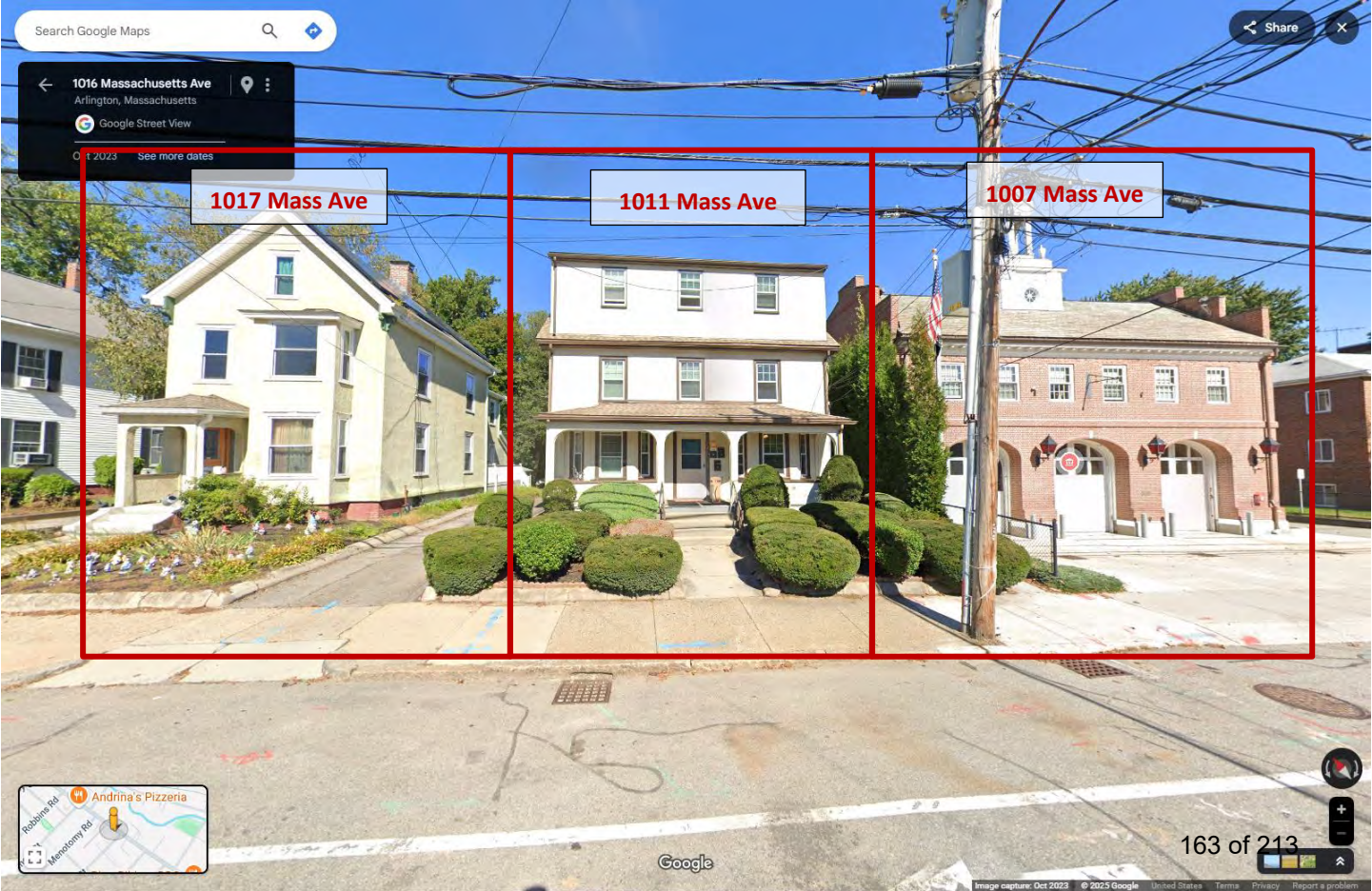




1007-1025 Mass Ave – aerial view:



1007-1017 Mass Ave:





## 1025 Mass Ave:



## 1087-1090 Mass Ave – aerial:





1087-1089 Mass Ave:

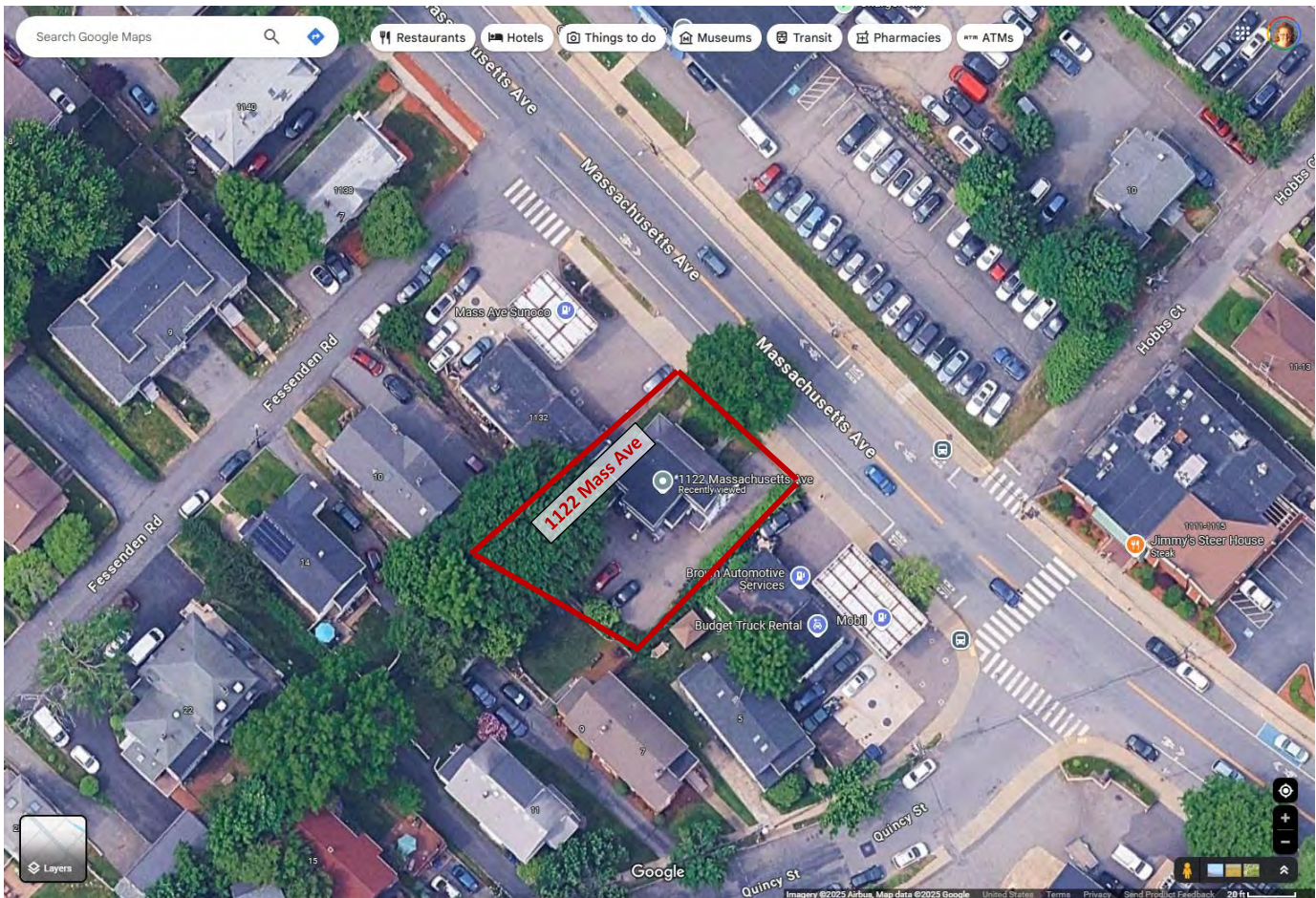


1090 Mass Ave:





## 1122 Mass Ave - aerial:

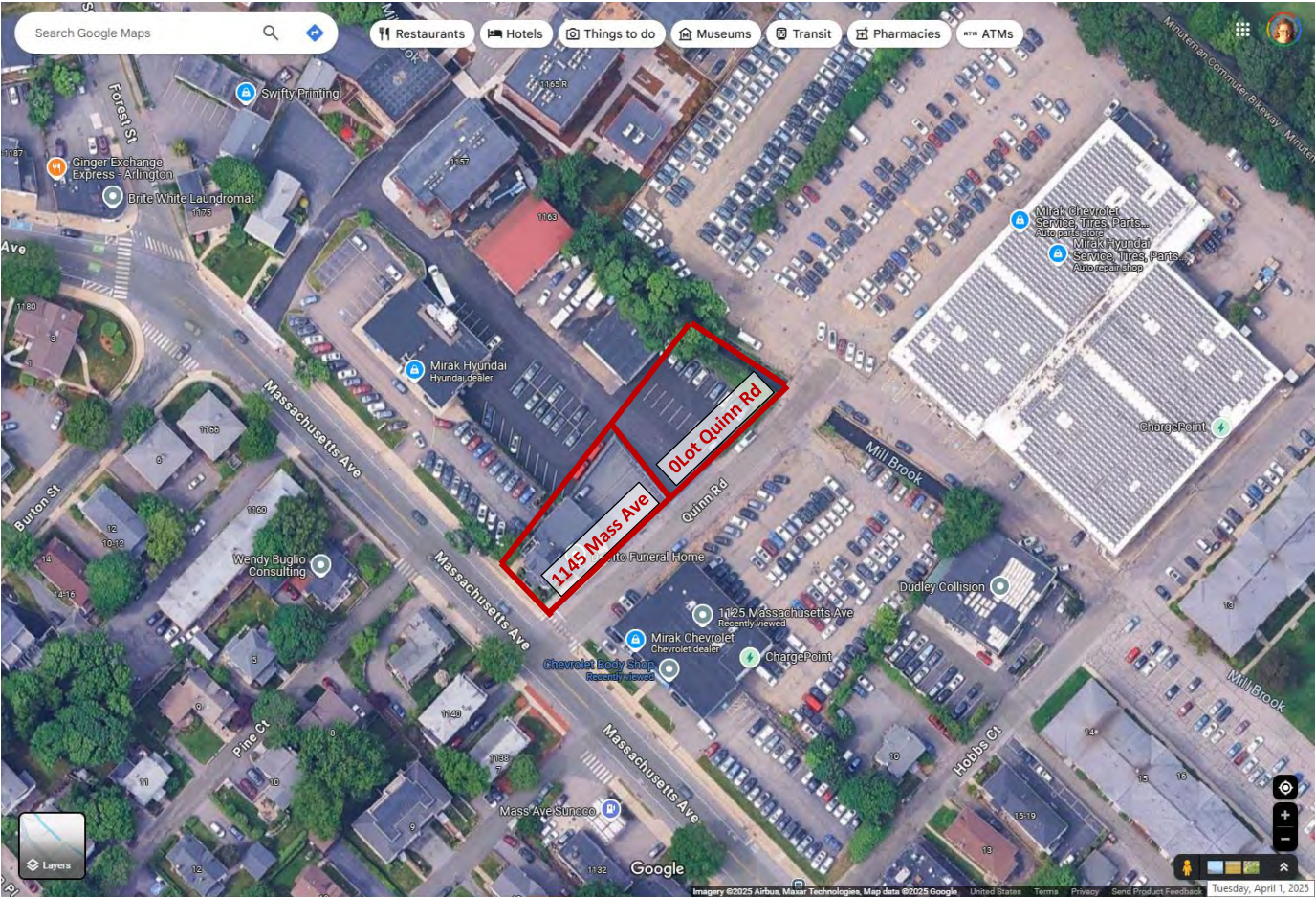


## 1122 Mass Ave:





1145 Mass Ave, 0 Quinn Rd – aerial view:



1145 Mass Ave:

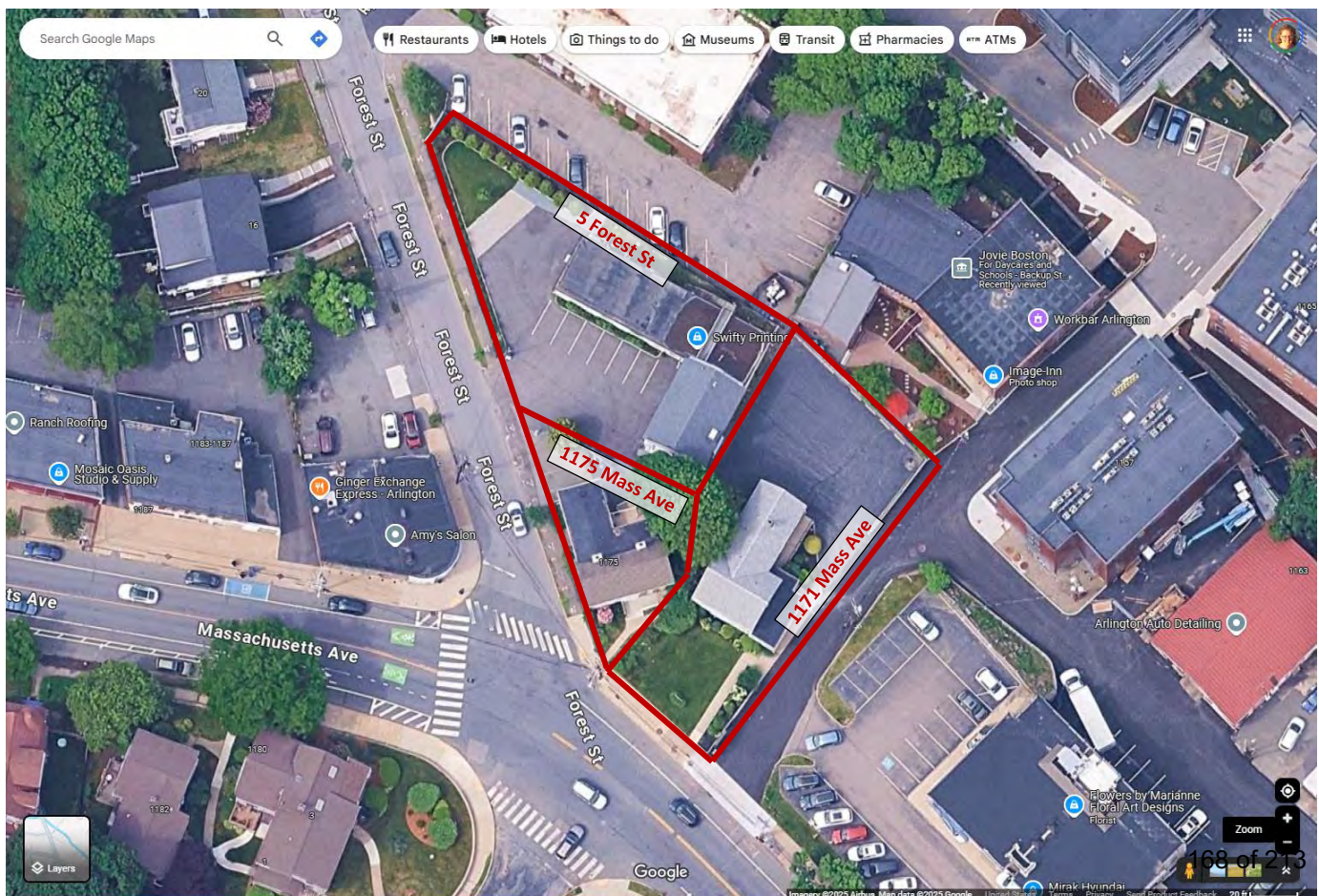




## 0 Quinn Rd:

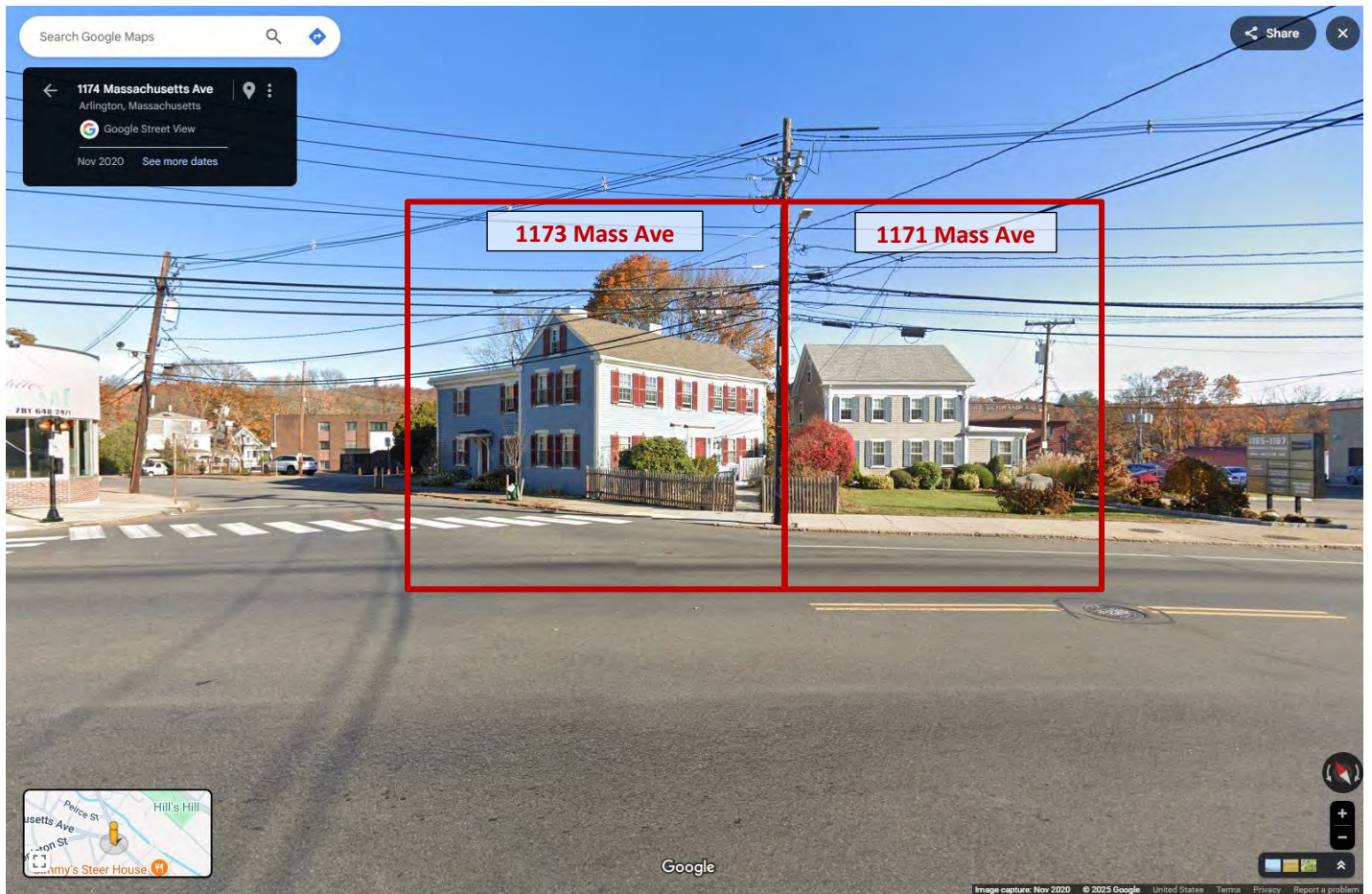


## 1171-1173 Mass Ave, 5 Forest St – aerial view:

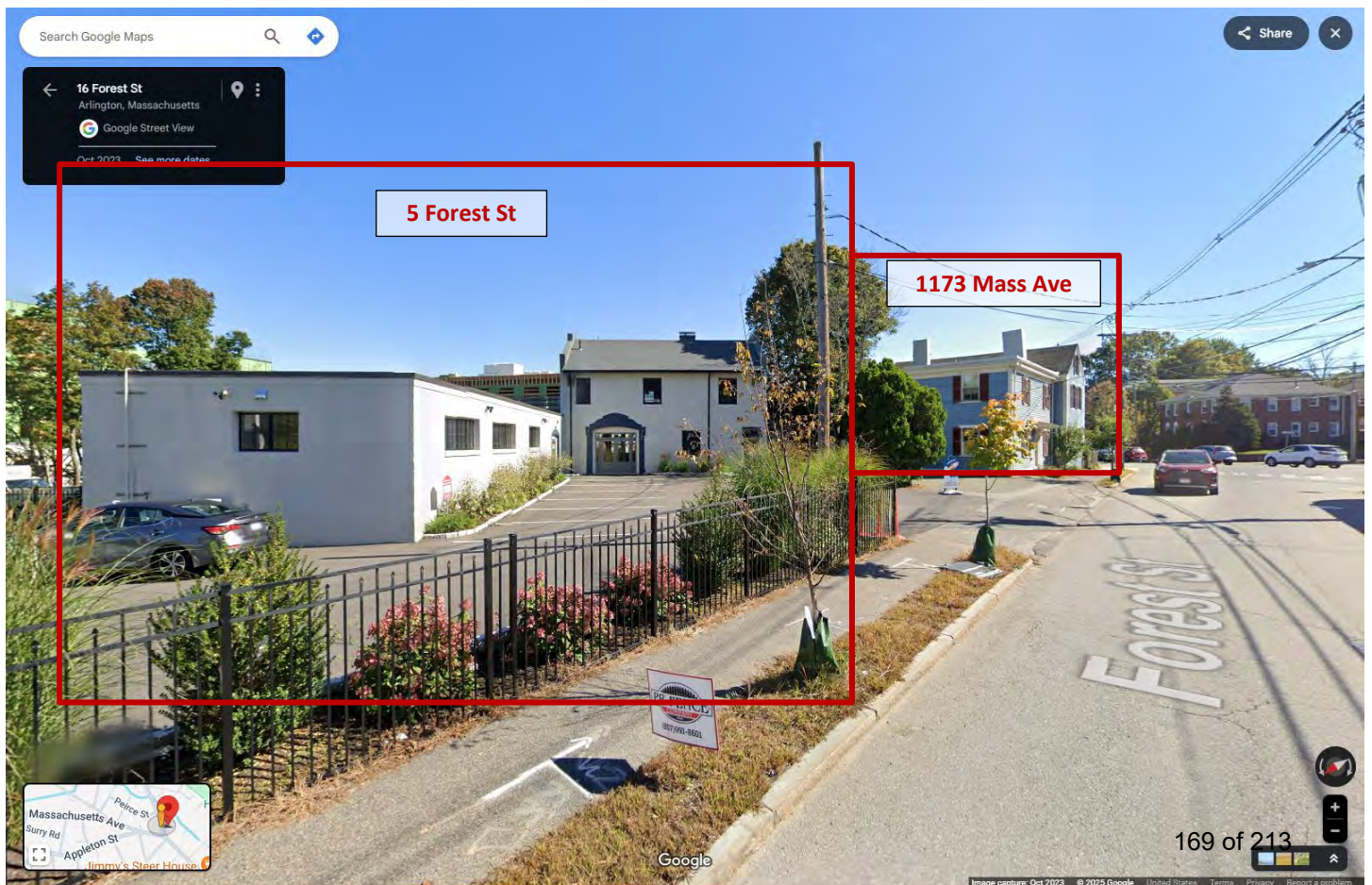




## 1171-1173 Mass Ave:



## 5 Forest St:





## 1471-1501 Mass Ave – aerial view:

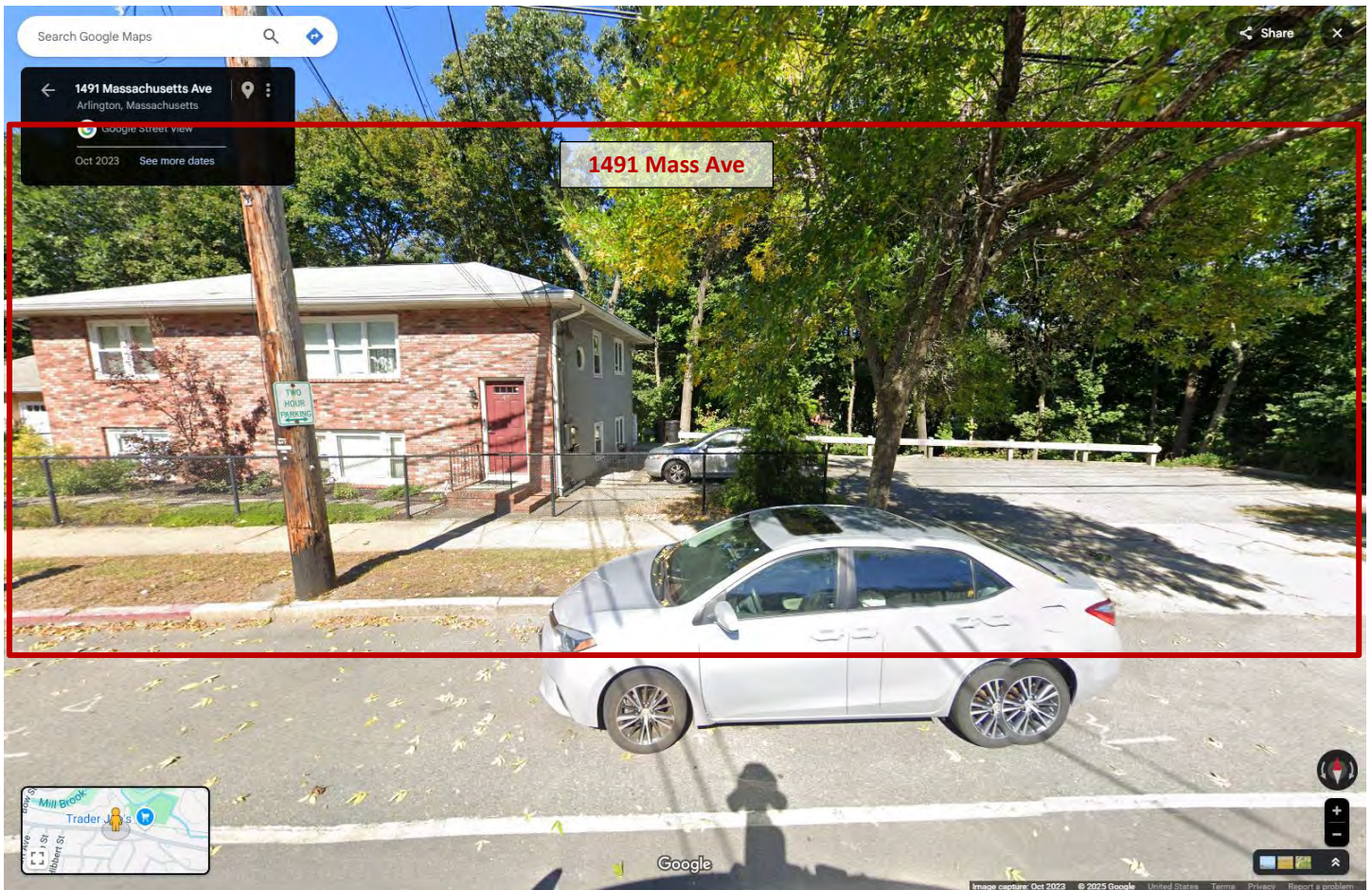


## 1471 Mass Ave, 0Lot Mass Ave:

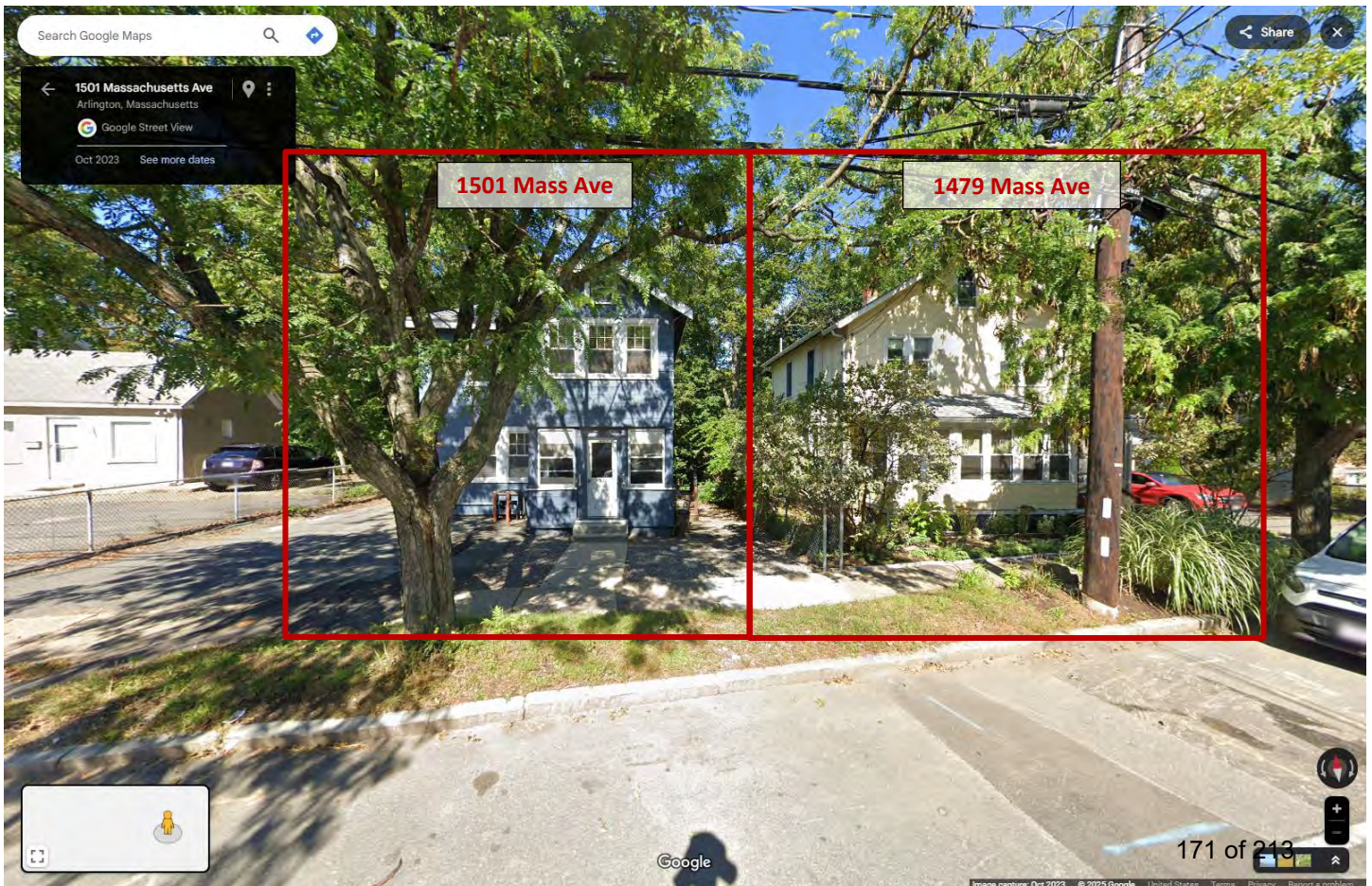




## 1491 Mass Ave:

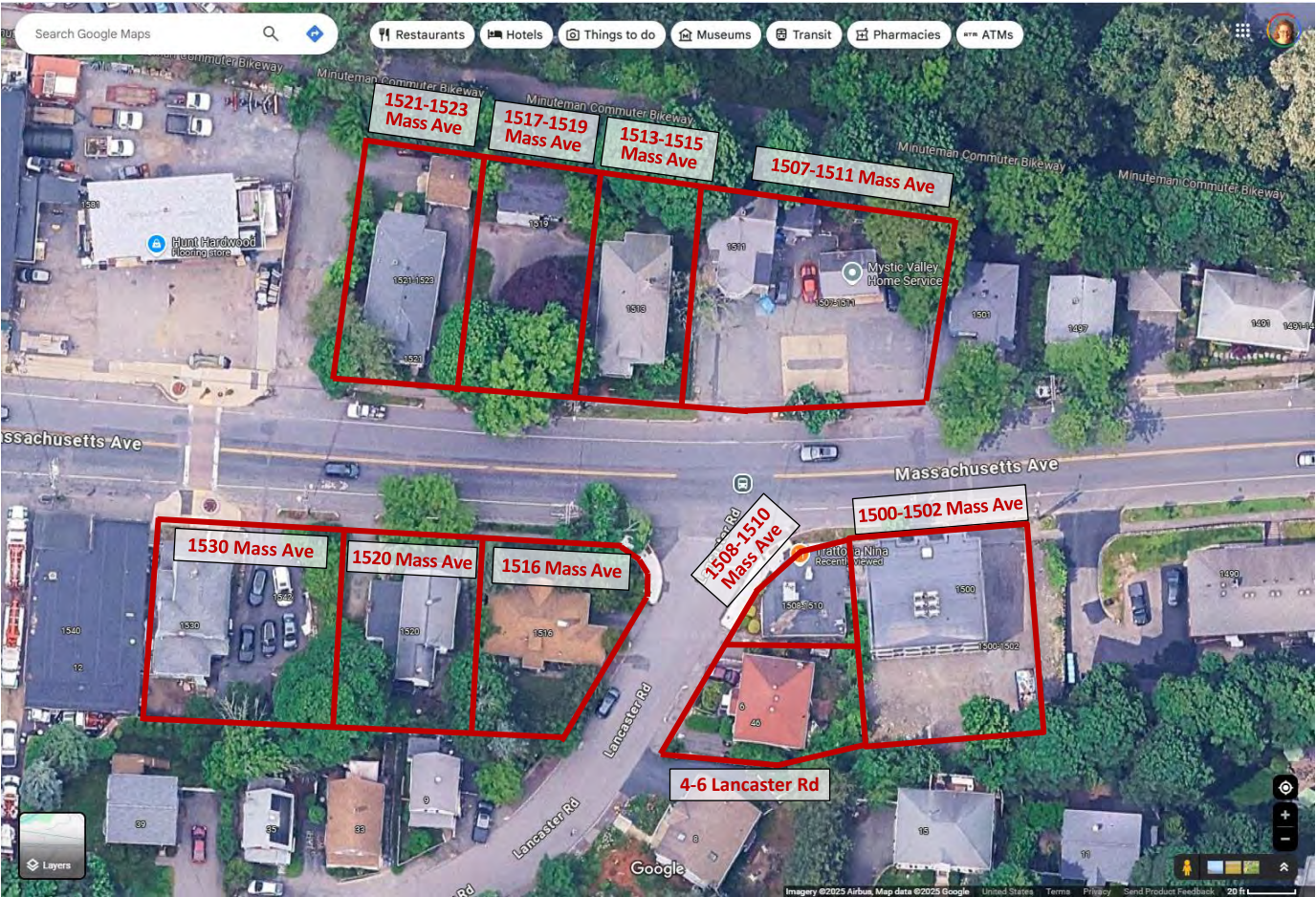


## 1497-1501 Mass Ave:





1500-1530 Mass Ave - aerial:

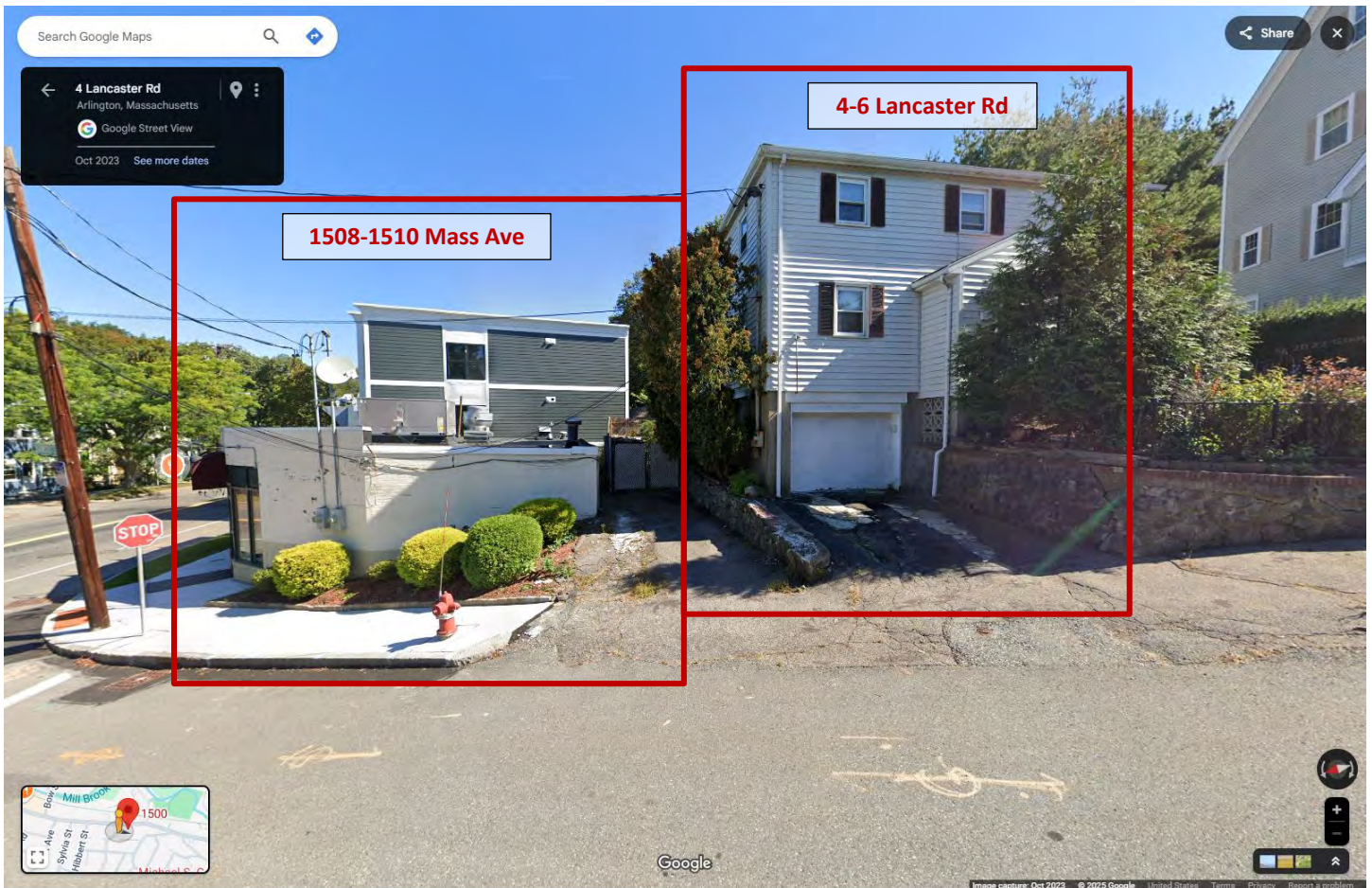


1500-1510 Mass Ave:

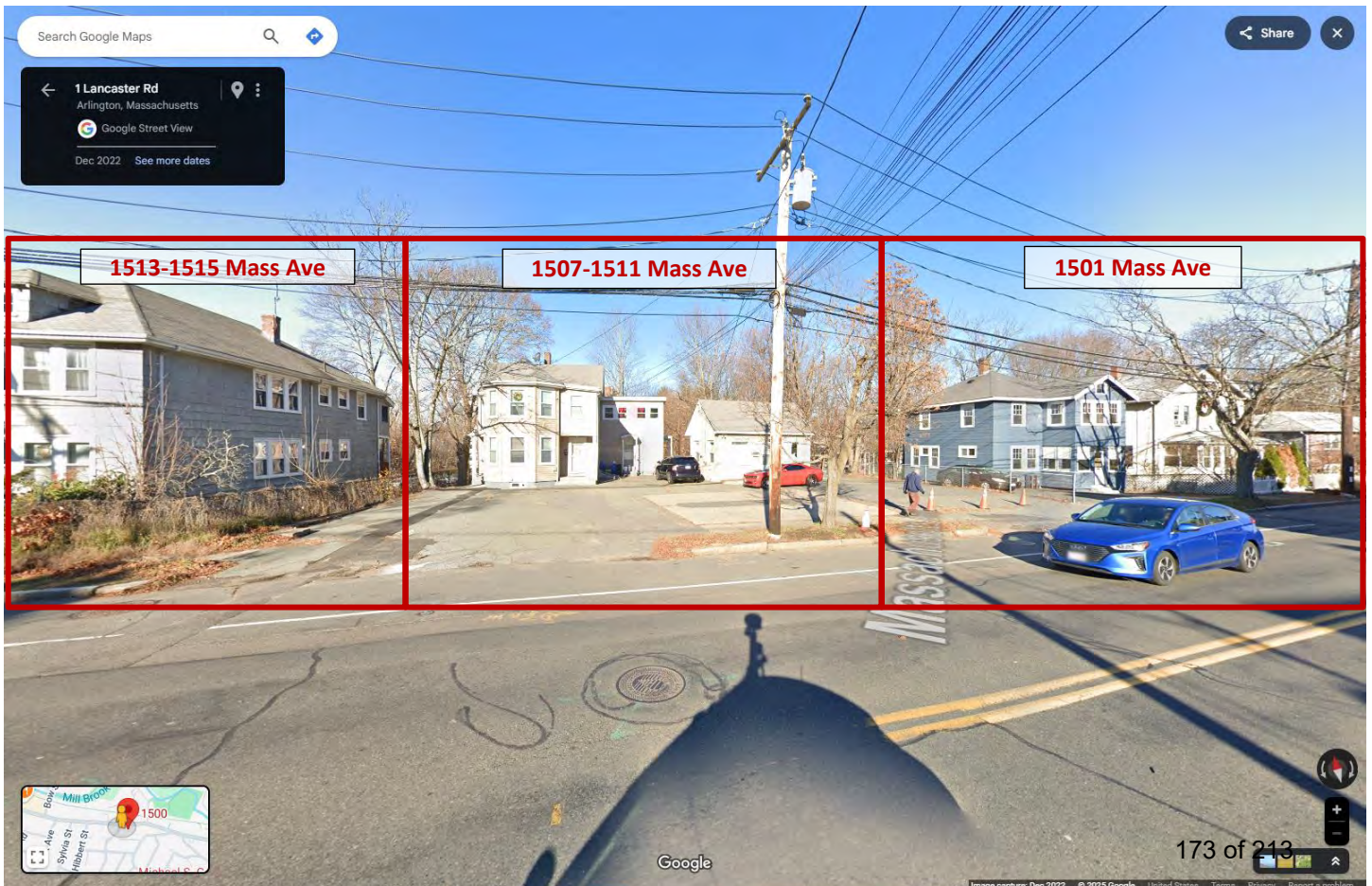




## 4-6 Lancaster Rd:

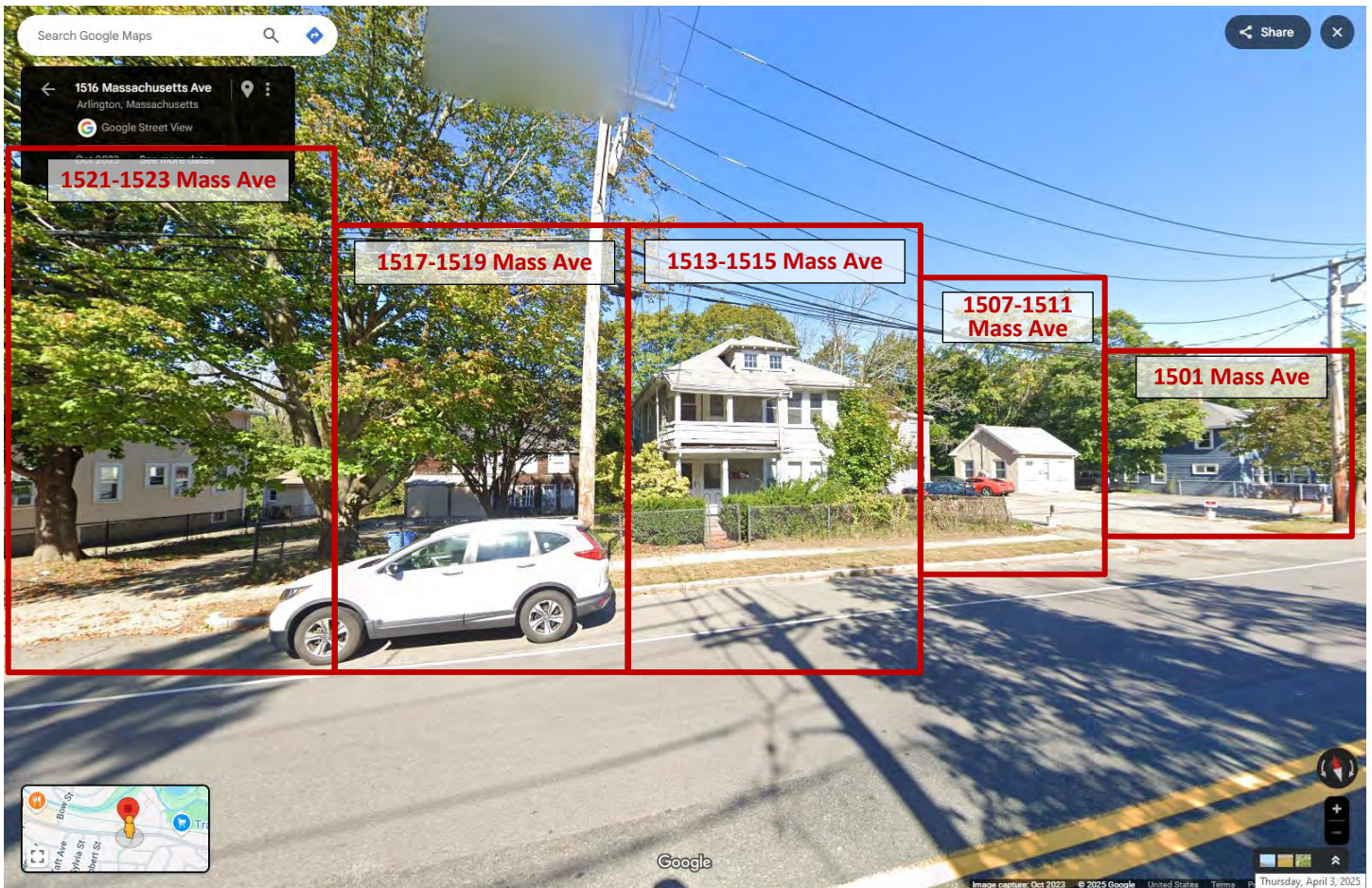


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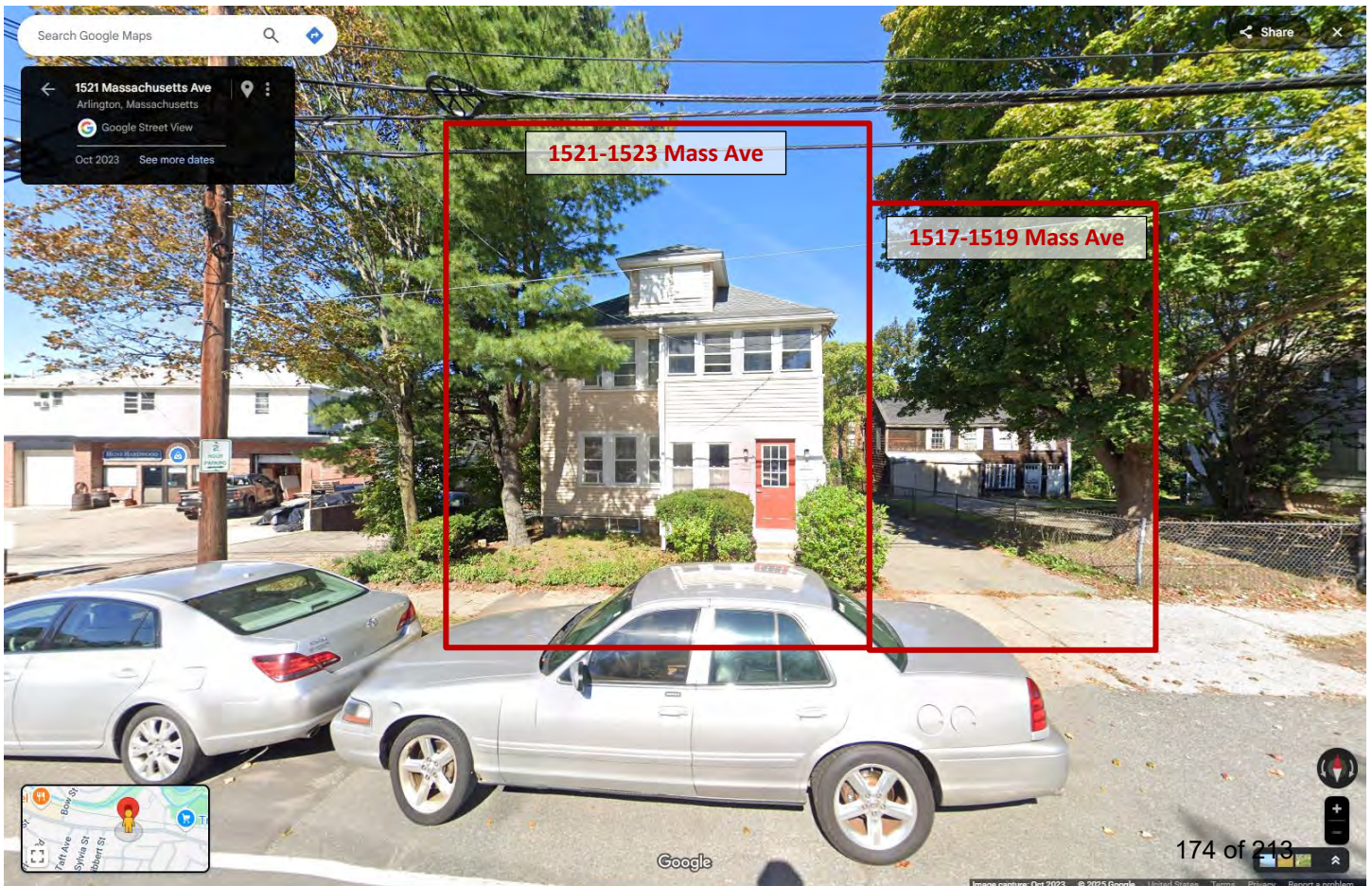




## 1513-1519 Mass Ave:



## 1521-1523 Mass Ave:





1516 Mass Ave:



1520-1530 Mass Ave:

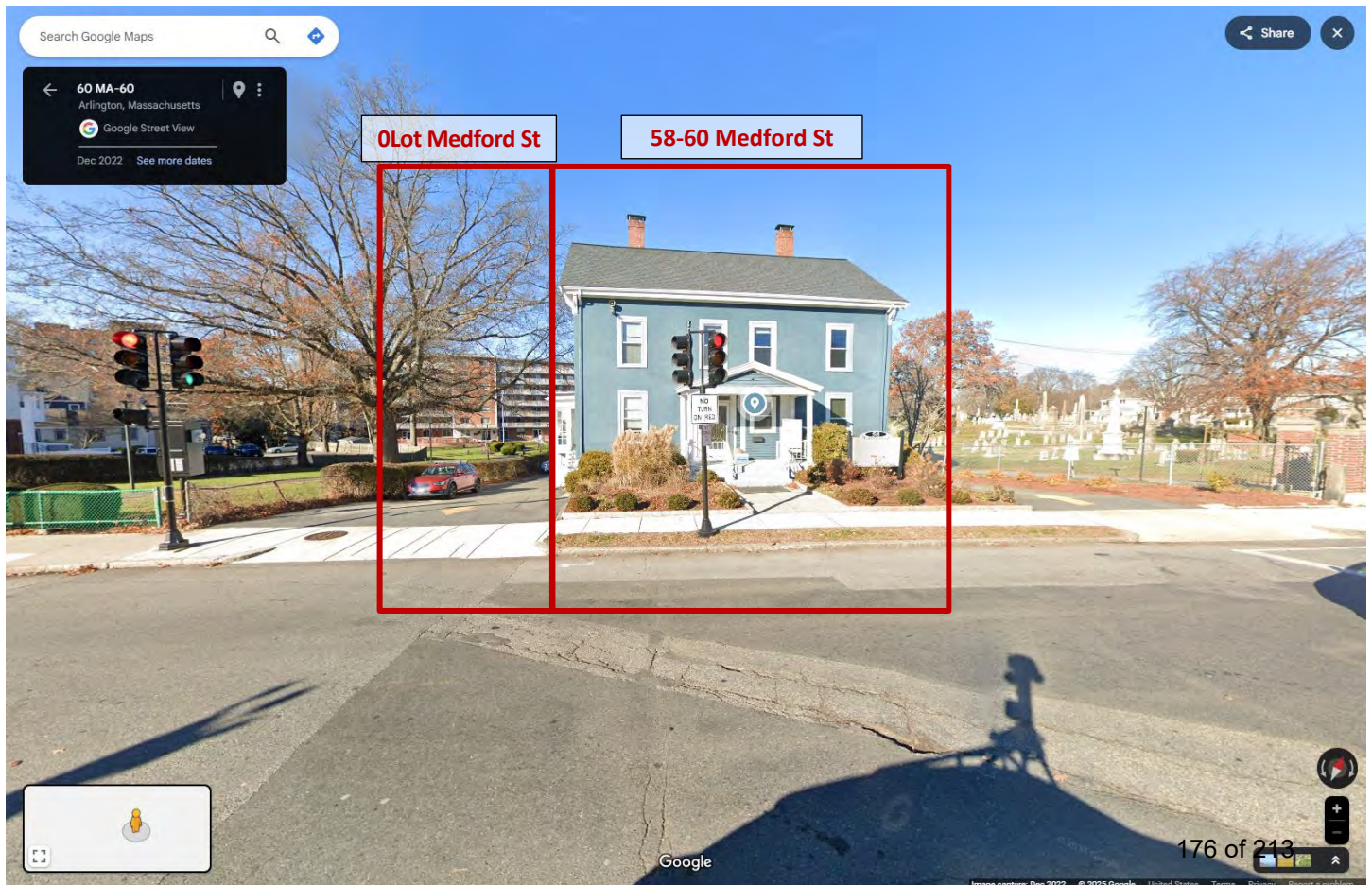




## Chestnut St, Medford St – aerial view:



## 58-60 Medford St, 0Lot Medford St:

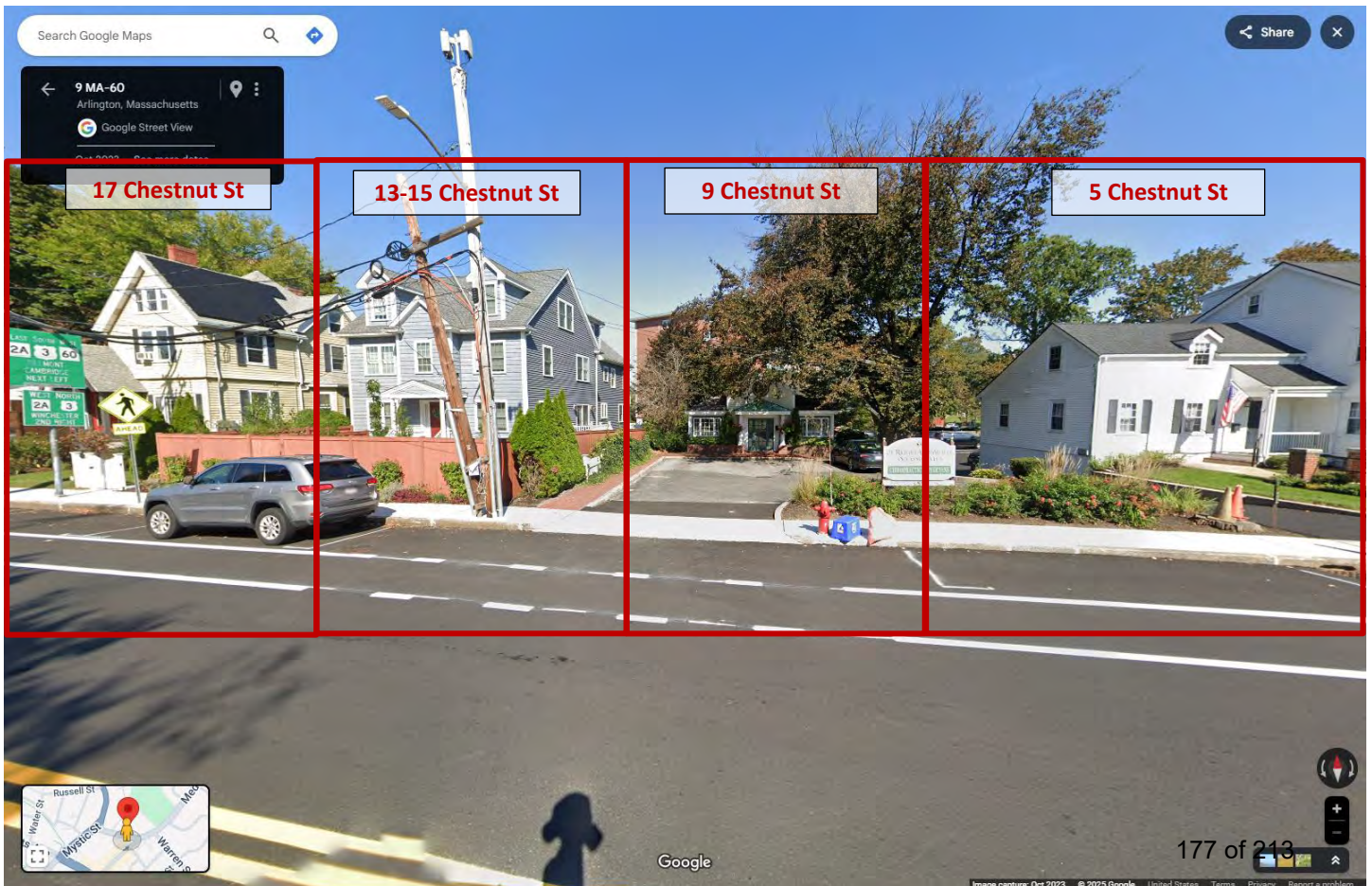




## 1-5 Chestnut Ave:

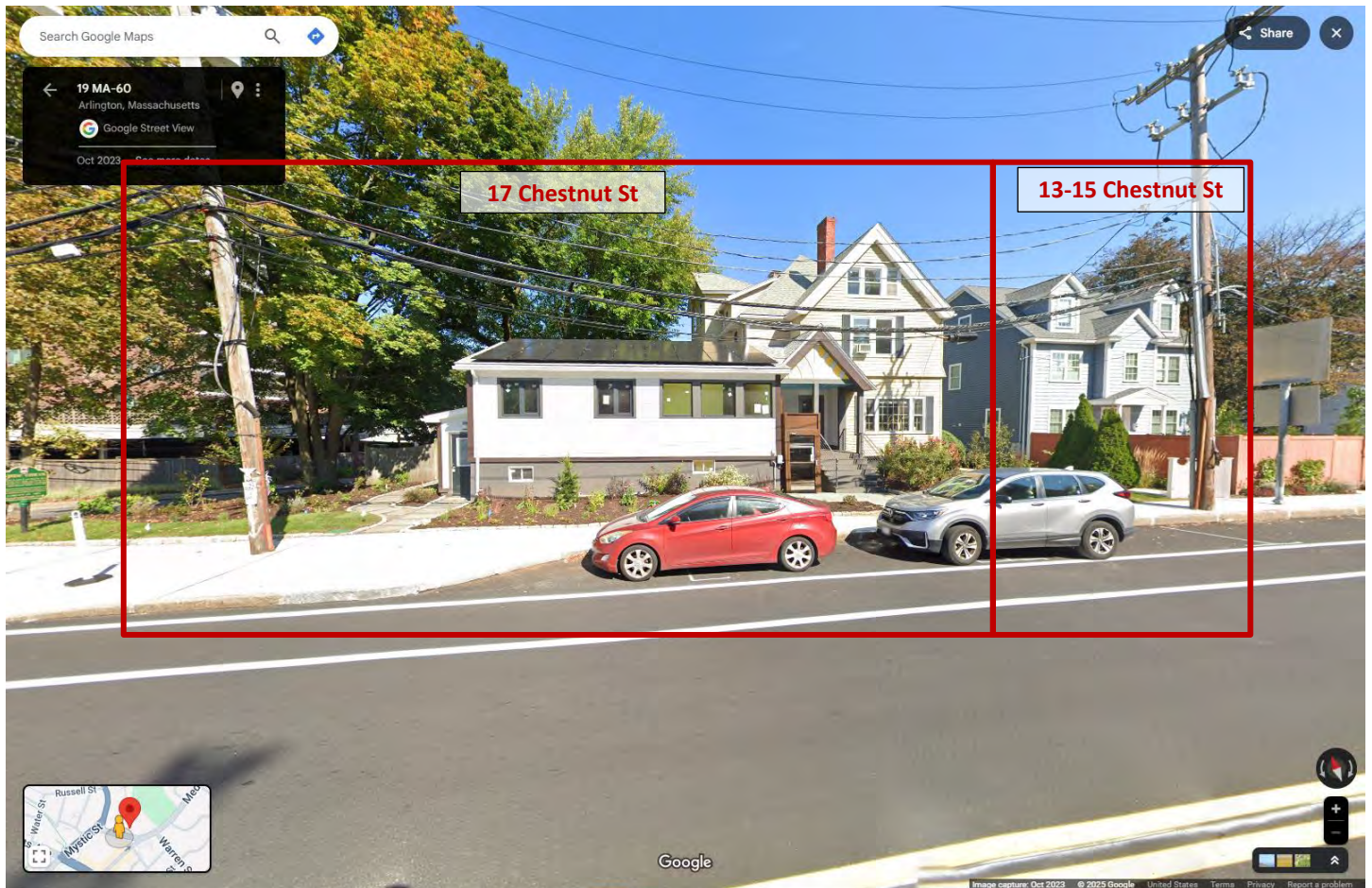


## 9-15 Chestnut Ave:





## 17 Chestnut Ave:





## Town of Arlington, Massachusetts

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### Correspondence

#### Summary:

##### Warrant Articles:

- Article 38 - J. Fleming, 4/7/2025
- Article 40 - J. Susse, 3/20/2025
- Article 40 - C. Heigham, 3/21/2025
- Article 40 - L. Culvernhouse, 3/25/2025
- Article 40 - D. Levy, 4/2/2025
- Article 40 - X. Pretzer, 4/4/2025
- Article 40 - F. Monks, 4/5/2025
- Article 40 - J. Garber, 4/6/2025
- Article 40 - A. Greenspon, 4/6/2025
- Article 40 - G. Hamlin, 4/6/2025
- Article 40 - C. Heigham, 4/6/2025
- Article 40 - C. Moore, 4/6/2025
- Article 40 - P. Schlichtman, 4/6/2025
- Article 40 - B. Thornton, 4/6/2025
- Article 40 - B. White, 4/6/2025
- Article 40 - S. Doctrow, 4/7/2025
- Article 40 - P. Fuller, 4/7/2025
- Article 40 - D. Levy, 4/7/2025
- Article 40 - C. Parsons, 4/7/2025
- Article 40 - K. Pennarun, 4/7/2025
- Article 40 - L. Slotnick, 4/7/2025
- Multiple Articles - J. Brown, 3/17/2025
- Multiple Articles - M. Conrad, 3/17/2025
- Multiple Articles - D. Von Schack, 3/18/2025
- Multiple Articles - D. Mazor, 3/24/2025

##### 15 Ryder Street:

- C. Sanchez, 3/30/2025

#### ATTACHMENTS:

Type	File Name	Description
▢ Correspondence	Warrant_Article_38_-_04072025_Fleming__J.pdf	Warrant Article 38 - 04072025 Fleming, J
▢ Correspondence	Warrant_Article_40_-_03202025_Susse__J.pdf	Warrant Article 40 - 03202025 Susse, J
▢ Correspondence	Warrant_Article_40_-_03212025_Heigham__C.pdf	Warrant Article 40 - 03212025 Heigham, C
▢ Correspondence	Warrant_Article_40_-_03252025_Culverhouse__L.pdf	Warrant Article 40 - 03252025 Culverhouse, L
▢ Correspondence	Warrant_Article_40_-_04022025_Levy__D.pdf	Warrant Article 40 - 04022025 Levy, D
▢ Correspondence	Warrant_Article_40_-_04042025_Pretzer__X.pdf	Warrant Article 40 - 04042025 Pretzer, X



Correspondence	Warrant_Article_40_-_04052025_Monks__F.pdf	Warrant Article 40 - 04052025 Monks, F
Correspondence	Warrant_Article_40_-_04062025_Garber__J.pdf	Warrant Article 40 - 04062025 Garber, J
Correspondence	Warrant_Article_40_-_04062025_Greenspon__A.pdf	Warrant Article 40 - 04062025 Greenspon, A
Correspondence	Warrant_Article_40_-_04062025_Hamlin__G.pdf	Warrant Article 40 - 04062025 Hamlin, G
Correspondence	Warrant_Article_40_-_04062025_Heigham__C.pdf	Warrant Article 40 - 04062025 Heigham, C
Correspondence	Warrant_Article_40_-_04062025_Moore__C.pdf	Warrant Article 40 - 04062025 Moore, C
Correspondence	Warrant_Article_40_-_04062025_Schlichtman__P.pdf	Warrant Article 40 - 04062025 Schlichtman, P
Correspondence	Warrant_Article_40_-_04062025_Thornton__B.pdf	Warrant Article 40 - 04062025 Thornton, B
Correspondence	Warrant_Article_40_-_04062025_White__B.pdf	Warrant Article 40 - 04062025 White, B
Correspondence	Warrant_Article_40_-_04072025_Doctrow__S.pdf	Warrant Article 40 - 04072025 Doctrow, S
Correspondence	Warrant_Article_40_-_04072025_Fuller__P.pdf	Warrant Article 40 - 04072025 Fuller, P
Correspondence	Warrant_Article_40_-_04072025_Levy__D.pdf	Warrant Article 40 - 04072025 Levy, D
Correspondence	Warrant_Article_40_-_04072025_Parsons__C.pdf	Warrant Article 40 - 04072025 Parsons, C
Correspondence	Warrant_Article_40_-_04072025_Pennarun__K.pdf	Warrant Article 40 - 04072025 Pennarun, K
Correspondence	Warrant_Article_40_-_04072025_Slotnick__L.pdf	Warrant Article 40 - 04072025 Slotnick, L
Correspondence	Warrant_Articles_-_03172025_Brown__J.pdf	Warrant Articles - 03172025 Brown, J
Correspondence	Warrant_Articles_-_03172025_Conrad__M.pdf	Warrant Articles - 03172025 Conrad, M
Correspondence	Warrant_Articles_-_03182025_Von_Schack__D.pdf	Warrant Articles - 03182025 Von Schack, D
Correspondence	Warrant_Articles_-_03242025_Mazor__D.pdf	Warrant Articles - 03242025 Mazor, D
Correspondence	15_Ryder_St_-_03302025_Sanchez__C.pdf	15 Ryder St - 03302025 Sanchez, C

**From:** James Fleming  
**Sent:** Monday, April 7, 2025 8:54 AM  
**To:** Claire Ricker; Rachel Zsembery  
**Subject:** Public comment on Article 38

Hello! Please consider this as public comment for article 38 as I cannot make the hearing tonight

Arlington has no more vacant land along major corridors. Unless the ARB is willing to seriously consider rezoning residential land as commercial, there is no possibility of new commercially zoned land.

I have heard over and over that there is not enough business in town. This article creates more opportunity for business; I ask you to recommend it to town meeting so TMMs can debate whether they want more businesses in town.

James Fleming, Precinct 4



**From:** Jennifer Susse  
**Sent:** Thursday, March 20, 2025 12:22 AM  
**To:** Stephen Revilak; Eugene Benson; Rachel Zsembery; Kin Lau; Shaina Korman-Houston  
**Cc:** Claire Ricker; David Levy  
**Subject:** Two Family by Right

Hi,

I wanted to weigh in on article 40, which would allow two-family homes by right in Arlington. I was pretty involved in the public outreach in 2022 when a similar article last came before Town Meeting. During April and May of 2022 Equitable Arlington members reached out to every Town Meeting member who we felt was in the middle (which we defined as not automatically in favor or automatically opposed). Those in the middle represented about 50% of Town Meeting members. The conversations I personally had with people (about 30 in total) were really productive. I offered my views, of course, but I also listened to people's concerns. Not everyone I talked to ended up supporting the article, but I think I was able to shift people's sympathies by a little bit in most cases. In two instances, people who voted against the article later told me that they would vote for it if it were to come before Town Meeting again (including a Select Board member).

A lot has changed since 2022. First, there is already the foundation of those conversations with Town Meeting Members and the public at large. Second, more cities and towns are getting rid of single-family zoning (e.g., Cambridge) and some people have followed those discussions. Third, we just had a major presidential candidate talk openly about our housing shortages and the need for permitting reform. And fourth, there have been a lot more conversations about housing shortages in the news, on the streets, and in social media, etc. than there were three years ago.

In short, I think the Town is ready to once again talk openly again about the benefits and tradeoffs of two-family homes by right in Arlington. I do not know if the article will reach the two thirds threshold this year, but I know that the only way to have these open discussions (to really engage in effective community outreach) is for this article to be voted favorably out of the ARB.

In 2022 one of the sticking points for many people is that the article had only received 3 out of 5 votes by the ARB. The public read the 2 no's as opposition to the article rather than a concern about whether the public had been sufficiently informed. This perception that the ARB was split in their support ultimately lost us many votes. Had the vote been 4-1 instead of 3-2 I think there would have been much more support for the article, though likely not yet 2/3s. The only way to get that support is to continue to have these conversations with Town Meeting members and the public at large, which requires a favorable vote out of the ARB.

I look forward to hearing your thoughts about Article 40 and to continue working to engage the Town Meeting members and the town at large in meaningful conversation around housing issues.

Respectfully yours,

Jennifer Susse  
781-354-1770

**From:** Christopher Heigham  
**Sent:** Saturday, March 22, 2025 10:14 AM  
**To:** Eugene Benson; Kin Lau; Rachel Zsembery; Stephen Revilak; Shaina Korman-Houston  
**Subject:** followup on Article 40

See the attached, which is page 24 of the FY26 Superintendents proposed budget. It clearly shows APS enrollment is increasing. It is hard to understand why Article 40's proponents say otherwise.

Topher

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**Enrollment Trends for Arlington Families**

One of the reasons for increased school enrollments over the past couple of years includes more Arlington families sending their students to APS for their children’s education. This is no surprise, given our commitment to engaging families in ways that value the expertise they bring to the learning experience, our beautiful new spaces and programming at Arlington High School, and our focus on ensuring all students receive access to a well-rounded education. The following chart and graph show an increasing percentage of Arlington families - from 85% in 2022 to 90% in 2025 – are choosing to send their children to APS.

Schooling Options:	FY22	FY23	FY24	FY25
APS	5,809	5,907	5,912	6,016
Private & Charter	721	688	639	344
Minuteman	202	224	221	198
Homeschool	50	36	20	93
Collab & OOD	91	30	24	16
All Other Schools (Sum of Non-APS Rows)	1,064	978	904	651



**From:** Lynette Culverhouse

**Sent:** Tuesday, March 25, 2025 13:11

**To:** Rachel Zsembery; Gene Benson; Kin Lau; Shaina Korman-Houston; Stephen Revilak

**Subject:** article 40

For the attention of the Redevelopment Board.

I wanted to attend the meeting where article 40 was discussed but was visiting with my son and family in California and it was only then that I realized you are not doing hybrid meetings. I'd like to put in a bid for you to transition to hybrid meetings to allow greater participation from residents.

What I would like to say about article 40 is that it doesn't address the problem of increasing affordable housing. I live in a single family house, which I consider a privilege, but only because I bought it in 1984. There is no way I could afford to live in Arlington if I were a first home buyer working as a teacher now. I would welcome more affordable housing in my neighborhood.

The problem as I see it is that we make way for developers to profit from tearing down homes. We need to either ban teardowns or create a law that says that any rebuild cannot be sold for a higher price than the market value of the original home. It is unconscionable that we are destroying perfectly good middle income homes in order to gentrify our neighborhoods. Why are we doing this? I know that our system of unregulated capitalism prioritizes business interests over human welfare but where does change start. I realize that in many ways the state laws have our hands tied but this is a conversation I would love to have because what we are doing now is another form of redlining, building low income housing with parking restrictions in certain neighborhoods and allowing wealthy homeowners to have 2 and 3 car garages in other neighborhoods and enormous mansions. It just doesn't make sense.

I'd love to hear your thoughts on this. You have a huge job to do and you don't even get paid so I want you to know that I appreciate your work.

Lynette Culverhous

TMM precinct 11

April 2<sup>nd</sup>, 2025

Dear Members of the Arlington Redevelopment Board,

While this letter is not authoring revised text, I wanted to submit it in advance of the noon deadline today for your review. If it needs to be updated further prior to the April 7<sup>th</sup> hearing, I will do so as well for your consideration. There are several points I would like to make to continue the discussion from the hearing held on March 17, 2025.

- 1) Correspondence and outreach. Since we spoke, I have met with a group of proponents of this article and we are planning on discussing this in more detail at upcoming precinct meetings. I am also participating in tonight's virtual candidate forum for Town Meeting. Finally, in response specifically to one resident's opposition to the proposed warrant article, I penned the following op-ed piece in YourArlington. This is my third piece in Your Arlington on this topic in the last 12 months. Both the second piece and the third piece also noted to all readers that I would be attending either the Redevelopment Board hearing or the Town Meeting virtual candidate forum. All three pieces were shared on the ArlingtonList as well. I presume they were also shared on social media but I don't participate on certain platforms. I shared each piece with all town meeting members currently elected. In short, I think I'm now one of the only proponents to publicly author three pieces in the local paper about my warrant article, with one piece specifically responding to justified concerns over my proposal. I ask you consider this outreach when reviewing the article on Monday, April 7<sup>th</sup>. I list all three pieces here.
  - a. April 1, 2025 Piece  
<https://www.yourarlington.com/component/easyblog/entry/75-zoning/3418-housing-040225.html>
  - b. March 15, 2025 Piece  
<https://www.yourarlington.com/component/easyblog/entry/75-zoning/3409-housing-031525.html>
  - c. August 5, 2024 Piece  
<https://www.yourarlington.com/component/easyblog/entry/36-housing/3359-housing-080524.html>
- 2) Exempting non-conforming lots. Since the March 17<sup>th</sup> hearing, I met with Director Ricker of DPCD. I also met with town residents to review the GIS data of how many non-conforming lots exist. I want to highlight the review of GIS is not yet complete so I will be updating this correspondence prior to your April 7<sup>th</sup> Meeting. However, a few things to highlight to date:
  - a. While the specific Use of a house in the R0 and R1 tables may be amended to allow two-family homes, the other variances that would



require a special permit still exist. For instance, if the house were to expand its dimensions or maintain the same footprint but have too little frontage, this would also require a special permit to effectively extend the variance. It is true that 5.4.B.8 of the By-Law does permit the same foundation size to be built if the energy efficient home permitted under this section is designed AND the same foundation footprint as today is preserved. However, the Board will then have to weigh the merits of limiting the Use of this environmental feature against other merits as well. Regardless, the point being that in many cases, a special permit seeking public input and comment to find common ground for any proposed modification will be in force even were this warrant article to pass.

- 3) Modeling and projections. In my review to date, I am examining this with consideration of whether non-conforming houses are exempt or not. However, I'm not convinced the exemption of non-confirming lots will be determinative. But this work is on-going and will be presented for further review. However, I do not believe the impact will be large based on the building activity over the last several years, consistent with my presentation. However, this work is on-going based on GIS data review and will be updated for your consideration.

Thank you again for your consideration

Sincerely,

Dave Levy, TMM18

From: Xavid

Sent: Friday, April 4, 2025 11:44 AM

To: Claire Ricker; Rachel Zsembery; Kin Lau; Eugene Benson; Shaina Korman-Houston; Stephen Revilak

Subject: Writing in Support of Article 40

Hello,

I'd like to write in support of Article 40. Legalizing two-family homes townwide would create opportunities for homeowners to convert a large single-family home into two units, creating more options for where to live in Arlington and an alternative to houses only getting larger and more expensive over time. Given that most of Town is covered by single-family zoning, this could create some great housing opportunities with minimal disruption, and I think it'd be a great step forward as part of our overall housing strategy. I hope the ARB will give a strong endorsement to this measure.

Sincerely,

~Xavid Pretzer

TMM Precinct 17



**From:** Flynn Monks  
**Sent:** Saturday, April 5, 2025 11:10 PM  
**To:** Rachel Zsembery  
**Subject:** In favor of Article 40

Hi Rachel,

Writing in favor of article 40, as will be introduced in TM by David Levy. I voted in favor of similar measure by Annie Lacourt in 2022.

Best,  
Flynn Monks, TMM 19

**From:** Judith Garber

**Sent:** Sunday, April 06, 2025 8:51 PM

**To:** Rachel Zsembery; Kin Lau; Eugene Benson; Shaina Korman-Houston; Stephen Revilak

**Subject:** In support of Warrant Article 40

Hello members of the redevelopment board,

I'm writing in support of warrant article 40 to allow 2-family housing in R0 and R1 single family districts. The content of this article has been before town meeting a few times recently, with each timing gaining increasing support (I believe because more TMs are becoming aware of the urgency of the housing crisis in our region). I hope the ARB will vote in favor of this article to allow Town Meeting the chance to debate and vote on it again.

A few reasons why I urge your support of this article:

1. Our region is in desperate need of more housing and this article would allow a small but meaningful step to help allow more families the opportunity to live in Arlington.
2. This article would complement other articles such as the affordable housing overlay to increase market rate housing at the same time as we are increasing affordable housing, both of which are needed.
3. Some opposed to this article have voiced fears of the "character of the town" changing, but with our current zoning laws preventing 2-family housing in these zones, we are already seeing the character change from small single families to enormous "McMansions" (I have yet to meet one person in town who is excited about more of these buildings). Given that we cannot stop people from selling their houses to a developer, wouldn't we rather a developer build a large house for two families rather than one?

Thanks very much for your consideration.

Best,

Judith Garber

Town Meeting Member, Precinct 4

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Judith Garber

973-943-8402

[Judithegarber@gmail.com](mailto:Judithegarber@gmail.com)



**From:** Andy Greenspon

**Sent:** Sunday, April 06, 2025 10:12 PM

**To:** Stephen Revilak; Eugene Benson; Rachel Zsemlery; Kin Lau; Shaina Korman-Houston

**Cc:** Claire Ricker; David Levy

**Subject:** Article 40: Two Family By Right

## Article 40: Two Family By Right

Hi,

I write in strong support of Article 40, two-family by right in Arlington. When I was trying to move to Arlington, I frankly didn't care if I would live in a single-family home, a duplex, or other multi-family housing, as long as it had what I needed for my growing family. I couldn't really afford any single-family home in town. I could only afford a unit in a duplex. And I love it here.

I check Zillow regularly, and I still find that the single-family home prices are on average far more expensive compared to the units in duplexes or other multi-family housing, especially new single-family builds which are completely off the scale of anything I and almost everyone I know could ever afford. Here are some recent listings in R0 and R1 zones in town:

19 Cherokee Rd, Arlington, MA 02474: 5 beds, 5 baths, 4,555 sq ft: \$2,399,000.

239 Mountain Ave, Arlington, MA 02474 5 beds 5 baths 4,400 sq ft: \$2,349,000.

11 Pamela Dr, Arlington, MA 02474, 4 beds, 4 baths, 3,760 sq ft: \$2,575,000.

51 Greeley Cir, Arlington, MA 02474, 5 beds, 6 baths, 4,715 sq ft: \$2,495,000.

The median household income in Arlington is \$141,440. Suffice it to say, these listings are neither starter homes for new families, nor homes that most seniors can age in place within. These McMansion builds have been occurring at a steady pace as folks living in smaller homes move and sell to those who can bid the highest price, often developers, who then do these rebuilds. This is because the only way a developer will make a profit on a single-family zoned parcel is to make a giant McMansion. Even when an individual can buy one of the older homes to live in, they often do large renovations and expansions, which will lead to higher prices for any home sale down the road, putting the home out of reach of most people. Base land values alone continue to skyrocket because there is a giant housing shortage in the Greater Boston area, as the Governor noted in the state's first ever Comprehensive Housing Plan: <https://www.mass.gov/news/healey-driscoll-administration-releases-states-first-ever-comprehensive-housing-plan>

I have good friends down the road from me currently renting in The Legacy who have a toddler. They will soon need a little more space and would like to buy in Arlington, but any single-family home is far out of their price range (one of them is a social worker, the other a teacher, professions desperately needed in Arlington and similar towns, but which have lower salaries compared to software engineers, lawyers, doctors, etc.). They could potentially afford a unit in a duplex or other multi-family housing, if enough of them were available. But a large fraction of land in town is still only zoned for single-family housing.

I understand concerns of existing homeowners in single-family zones regarding neighborhood change. However, given the status quo of small homes being replaced with large McMansions, I think this is far more of a change to our neighborhoods than anything else. This warrant article would not change existing height limits and setbacks in R0 and R1 zones, which I believe set the feel of a neighborhood far more than the number of people who live in a building. All that would change is that two families could live within the same potential footprint of a building instead of one. Lots of town already has single-family zones interspersed with duplex zones. And there are grandfathered duplexes scattered throughout single-family zones. I have generally not heard neighbors in single-family zones complain about these existing duplexes that house their neighbors and fellow community members.

I walk around town all the time – I don't personally notice any difference in the character of parts of town or the people I meet and neighbors I talk to regardless of whether they live in a single-family or duplex. The primary difference in East Arlington relative to other parts of town is parcel and lot size, which is a far bigger shape of neighborhood character than whether 2 or 4 or 6 people live on a lot assuming height limits and setback requirements being equal. At the end of the day, for better or worse, we have a primarily private housing market. Zoning can provide certain limitations – but it cannot stop rebuilds of single-family homes into brand new, larger, and far more expensive homes that children of Arlington residents will never be able to afford to stay in our community long term. Allowing 2-families by right in these zones is not a magic bullet to fix the housing shortage. But given the price of land, two 1,500, 2,000 or 2,500 sq ft homes on a single lot will each cost much less than a single 4,000, 5,000, or 6,000 sq ft home and house twice as many families.

Regarding concerns that the town is moving too soon, too fast on housing, I am aware that this issue was well-debated in 2022 and nearly 50% of town meeting supported it then. I do believe a lot of Town Meeting members consider the ARB vote highly and a 3-2 vote was read as a reason in and of itself to oppose the measure, regardless of the merits. A lot has changed in 3 years, as more and more small homes are replaced with completely unaffordable McMansions to existing Arlington residents. If we do nothing, this trend will only continue – no one will recognize a given single-family neighborhood 20 years from now and income inequality will skyrocket in Arlington even more.

In short: I would humbly ask all ARB members to vote in the affirmative to recommend this article, if only to state that this should be an open and frank discussion for Town Meeting members to adjudicate and decide where they stand on the issue now. I think it's quite telling that someone who voted against a similar article in 2022 is now the proponent of two-family by right, noticing in the past 3 years that the affordability crisis in town has only gotten worse and neighbors all around continue to ask the question "where are my children going to live?"

Respectfully yours,  
Andy Greenspon  
89 Palmer St  
617-230-4140



**From:** Guillermo Hamlin  
**Sent:** Sunday, April 6, 2025 6:59 PM  
**To:** Rachel Zsembery  
**Subject:** Support for Warrant Article 40

Rachel,

I'm writing to express my support for Warrant Article 40, allowing by-right two-family housing in R0 and R1 zones. I voted in favor of the original article when Annie LaCourt sponsored it in 2022, and I support the re-introduced article today. I believe this measure offers a sensible approach to increasing our housing options while maintaining neighborhood character.

Thank you for your consideration.

Best regards,

Guillermo S. Hamlin, MSEM  
TMM Pct. 14

**From:** Christopher Heigham

**Sent:** Sunday, April 06, 2025 10:25 AM

**To:** Eugene Benson; Stephen Revilak; Kin Lau; Shaina Korman-Houston; Rachel Zsembery

**Subject:** Article 40

Members of the ARB -

As you know, a zoning map change requires notification to those affected, which derailed both proposed affordable housing overlays this year. Article 40 is a de facto change to the R0/R1 zoning map and should require formal notification to all 8,000+ single-family households.

When you asked the proponent about such notification, he mentioned that the petitioners all had all single family homes - but that's only 14 residents across 10 households. He also wrote opinion pieces in YourArlington, but with bots and web crawlers, there is no way of knowing how many actual people, let alone unique residents, read them.

When I talk to my neighbors/constituents about allowing 2-families by right, almost all know nothing about it and oppose it. And in 2022 a majority of TMM's who actually lived in R0/R1 districts voted against eliminating single-family zoning.

Residents deserve notice that their property is being re-zoned from under them, and this article does not provide that.

Please recommend No Action on Article 40.

Respectfully,

Topher Heigham, TMM P15



**From:** Chris Moore  
**Sent:** Sunday, April 6, 2025 11:57 PM  
**To:** Rachel Zsembery  
**Subject:** support for Two Family by Right Housing

Dear Ms. Zsembery,

I am writing to express my support for Article 40's proposed change to our R0 and R1 zoning to allow two family housing by right. It isn't going to solve our housing crisis but it is a small thing that we can do. I hope that it will make it more likely that new or renovated housing (especially on large lots) will result in two units of housing rather than one very large and much more expensive unit.

Thank you,

Chris Moore  
TMM Precinct 14  
Chair, Capital Planning Committee

**From:** Paul Schlichtman

**Sent:** Sunday, April 6, 2025 23:13

**To:** Rachel Zsembery; Kin Lau; Eugene Benson; Shaina Korman-Houston; Stephen Revilak

**Cc:** Claire Ricker

**Subject:** Article 40 - Two-family allowed by right

I am writing to urge the Redevelopment Board to favorably report Article 40 to the 2025 Annual Town Meeting.

I am very concerned about the housing trends in the R0 and R1 districts. Older homes are being purchased, demolished, and replaced with very large single family homes. Builders are constructing homes to maximize area and dimensions. These very large homes are also very expensive.

By permitting the construction of a two family home, under existing area and dimension requirements, will result in two units that are less expensive than a large single family unit. I am not under the illusion this would create affordable housing, but the housing will be more affordable and attainable than a very large single family home.

I hope that, as a Town Meeting Member, I will have the opportunity to vote favorably under this article.

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Paul Schlichtman • Arlington MA School Committee

Town Meeting Member • Precinct 9

he-him-his • 47 Mystic Street - 8C • Arlington MA 02474 • 617.755.4300

personal account • [www.schlichtman.org](http://www.schlichtman.org)

Please direct school committee correspondence to [pschlichtman@arlington.k12.ma.us](mailto:pschlichtman@arlington.k12.ma.us)

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"Do not get lost in a sea of despair. Be hopeful, be optimistic. Our struggle is not the struggle of a day, a week, a month, or a year; it is the struggle of a lifetime. Never, ever be afraid to make some noise and get in good trouble, necessary trouble." -*John R. Lewis*

"What we believe is possible, we are willing to work for. Therefore, what we believe is possible shapes the contours of what is possible, because we're the only ones who are going to be doing the work of change." - *Rabbi Cari Bricklin-Small*

**From:** Barbara Thornton

**Sent:** Sunday, April 6, 2025 15:00

**To:** Rachel Zsembery

**Cc:** Steve Revilak; Eugene Benson; Shaina Korman-Houston; Kin Lau; Dave Levy

**Subject:** More housing, more density for Arlington

Rachel-

I am writing to encourage your support and the Redevelopment Board's support for warrant article 40.

When the question of housing in Arlington comes up, I've got a standard reply. "When I was born, there were about One Billion people in the world. I'm still here walking around and now I've got EIGHT BILLION fellow humans looking for places to live".

Setting aside any discussion of in-migration, we simply do not have enough housing for our current US residents, or for those in Massachusetts. Extending zoning to make all of Arlington's residential zones eligible for two family housing is a reasonable request.

Not only is it reasonable, but it will help stop the contagion of tear downs on smaller homes, homes more in scale with traditional Arlington, and stop the creation of huge "McMansions" increasingly only affordable to the super wealthy ... and which show a real inclination to digging up current open space in yards to add more square footage of home construction.

I hope you will support warrant article #40!

Best regards,  
Barbara Thornton

+1 617-699-2213

blog: [AssetStewardship.com](https://AssetStewardship.com)

twitter: [@assetstewards](https://twitter.com/assetstewards)

linkedin: [Barbara Thornton](https://www.linkedin.com/in/BarbaraThornton)



**From:** Brian White  
**Sent:** Sunday, April 6, 2025 9:59 AM  
**To:** Rachel Zsembery  
**Subject:** article 40

I am most likely to support this but I want to hear the debate first

B

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Brian White  
he/him/his  
Associate Professor of Biology  
ISC 4450  
617 287-6630  
UMass Boston  
100 Morrissey Blvd  
Boston, MA 02125  
<http://intro.bio.umb.edu/BW/>  
KA1TBQ  
<https://brianwhite94.wixsite.com/electronics>  
<https://jeffremisbrianwhite.bandcamp.com/>

**From:** Sue Doctrow

**Sent:** Monday, April 7, 2025 12:33 PM

**To:** Rachel Zsebery; Kin Lau; Eugene Benson; Shaina Korman-Houston; Stephen Revilak

**Cc:** Claire Ricker

**Subject:** Support for positive action on Article 40

Dear Arlington Redevelopment Board members:

As a Town Meeting member from Pct 21, I'm writing to request that the Arlington Redevelopment Board (ARB) recommend positive action on Article 40, to allow 2-family (2F) houses by right in R0/R1 zones. I voted in favor of the similar measure in 2022.

Like others, I have been unhappy with the trend of tearing down small houses on relatively large lots and replacing them with the largest possible single family (SF) house. Whenever a teardown occurs, I would much rather see it replaced with 2 moderately sized units than one enormous SF house. In 2022, I discussed this proposal with many residents, especially those who reached out with concerns, and I heard some similar concerns expressed at the recent ARB hearing on Article 40. I'm briefly addressing a few, in no particular order:

Concern #1. Enabling 2F houses by right will lead to more destruction of smaller "starter" SF houses. I don't believe this is true because (as was also brought up in the recent ARB hearing) even now you can readily recognize which small SF homes are likely candidates to be torn down. And, already, the ability to build a large new SF home is incentivizing such teardowns. With positive action on Article 40, at least developers will have another option, to instead create two housing units of more moderate size. Related to that, if Article 40 succeeds, I hope that the ARB and others will explore ways to further encourage/incentivize developers — when a teardown appears to be inevitable — to choose the 2F over the large SF option.

Concern #2. "I chose to live in a SF neighborhood for its character", with the implication that allowing 2F houses will harm that character. My husband and I have lived in our SF house for over 20 years, in a neighborhood (Westminster Ave and vicinity) that is primarily zoned R1, with mostly SF houses, but has several 2F houses (a small stretch of R2 but also 2F houses interspersed elsewhere on lots now zoned R1). Our house is flanked by a SF house on the left and a 2F house on the right. This 2F house is occupied by two generations of the same family, including the matriarch who, herself, grew up in the house. It would never occur to me that the proudly maintained home of this extended family detracts from the "character" of our neighborhood. Neither do the other 2F houses on my street. At least three others are also homes to multi-generational families (2 to 3 generations in each)

while some others each have two condos, enabling two households to live more affordably, sharing common expenses. Some of these 2F units are rented to tenants. Again, nothing about these homes, including those who live there, diminishes the “character” of our neighborhood. If anything, this variety of housing choice (and the resulting diversity in household sizes and compositions) enriches our neighborhood.

Concern #3. “This will not increase Affordable Housing” (e.g. housing affordable to households with incomes <80% AMI). True, these duplex units will still be expensive homes. However, they will be far less costly than the only option currently available to developers in R0/R1 zones, a new SF house. It is undeniable that, in buildings of similar size, two units selling for ~\$1M will each be affordable to more households than would a SF house selling for ~\$2M. Article 40 is not intended to create Affordable Housing. Its goals are different but also, in my opinion, worthwhile. We need a variety of measures, not mutually exclusive, to increase housing choices in our town.

Concern #4: The proposed change will lead to too much increased density. It seems likely, as discussed in the ARB hearing, that this change would lead to only a gradual increase in the number of units. There are many SF homes that are not candidates to be “teardowns”, and may never be. The reasons include that they are on lots too small to make it financially attractive for developers to replace them and/or are desirable homes, e.g. with period details or great renovations, that are likely to always attract potential occupants (and, if they’re really in love with the home, such buyers might bid higher than a developer could justify as strictly an investment). As was noted in the ARB hearing, a teardown to build a larger structure will result in greenspace being lost regardless of whether a SF or 2F house is built. Twice as many households will be able to live on the lot if a 2F is built but these might very well be smaller households, including single people or couples, as compared with the household size likely seeking a very large SF.

In 2022, I recall receiving quite a bit of outreach, from constituents as well as residents outside my precinct, on the proposal to enable 2F construction in R0 and R1 zones. I believe that this issue deserves further deliberation at Town Meeting so, again, I hope that the ARB will vote to recommend positive action on Article 40.

Thank-you very much for your consideration.

Sincerely,

Sue Doctrow

99 Westminster Avenue; Town Meeting Member, Pct 21



From: Peter Fuller  
Sent: Monday, April 7, 2025 3:01 PM  
To: rszembery@town.arlington.ma.us  
Cc: Claire Ricker  
Subject: Article 40

Dear Redevelopment Board Members,

I hope you will see your way clear to send Article 40 to the Town Meeting with a positive recommendation. It offers the common sense additional option of two-unit residential buildings to owners/developers seeking to build in the R0 and R1 zones. Otherwise, the status quo allowing only single-family homes will continue, and we will then continue to see more large-as-possible expensive single-family homes built.

In my neighborhood, on Tanager Street in a R2 zone, there were two two-family duplexes recently built, replacing two small single-families. These have not ruined the neighborhood, and have avoided the prospect of two more expensive large single-family homes. Four buyers got places to live instead of two, likely at more modest prices.

We need this option going forward in more areas in town, which Article 40 offers. A positive recommendation from the Board will allow Town Meeting to discuss and revisit its concept, building on consideration of a similar article in 2022.

Thanks for your time and for your service to Arlington.

- Peter Fuller  
7 Kilsythe Rd

April 6, 2025

Dear Members of the Arlington Redevelopment Board,

I want to further update you on the proposed Warrant Article 40 and the work done in response to your questions posed at the March 17<sup>th</sup> Hearing. This correspondence is an update to the letter posted on April 2, 2025.

- 1) Non-Conforming Lots. Our analysis shows less than 1,100 of homes that are less than 1,850 square feet that exist on non-conforming lots, lots less than 6,000 square feet. This would be in addition to the 1,500 homes that are less than 1,850 square feet located in conforming lots referenced in the Memo written on March 3, 2022 to the Arlington Redevelopment Board when this article was taken up for the '22 Town Meeting. The analysis, based on Redfin and Zillow show that over the last 3 years, less than 167 homes that generally fit these categories sold in the last three years. At the same time, while the data filtering isn't perfect, I would estimate less than 10 of these sold properties were then redeveloped into larger single-family homes on the existing non-conforming lots. While new homes can adopt a net zero foundation to preserve the existing footprint, again, odds are there may be some reason whereby a special permit is required, requiring public input for any proposed new two family home where the Use is by right by another variance may need to be extended. This permitting process still gives the Town and specifically the surrounding neighbors the opportunity to further comment on the proposed alterations, to make sure there is a fair compromise for any proposed alterations within these spaces.
- 2) This then turns to projections. The most conservative estimate is to assume that no new single family homes are constructed but rather all new construction is two family. Based on the data from 2021 to 2023, this would be 59 units over three years, or (rounding) 20 new units a year. Assuming average household size of Arlington 2.3 (Census.gov) and rounding up, this would increase townwide population by a net 60 people per year, including increase school age population by 20 people per year. Because new growth is much lower than overall sales of home, it is fair to say this projection will continue over the next 10 years, potentially adding as many as 200 children to the schools and 600 people overall to the town population.

However, to give you a sense of how this could unfold, Oregon in 2019 passed a law permitting two to four family housing for towns and cities over 25,000. But since the enactment, a recent survey showed some towns increasing their construction of multiple family housing (less than four), yet many others saw an overall decline in 2-4 family housing.<sup>1</sup>

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<sup>1</sup> <https://www.oregonlive.com/business/2025/03/some-oregon-cities-see-middle-housing-surge-but-rollout-is-uneven.html>

Durham, North Carolina in 2019, with a population of approximately 300,000 people adopted the “small lot” concept allowing smaller houses to be built on smaller lots. The min lot size is 2,000 square feet (as compared to the 6,000 here) AND the max house size is 1,200 square feet. So, it acts like a proxy for this article in that it is essentially taking a large lot and splitting it in two. The most recent data I could find (September, 2024) shows approximately 200 of these homes built in Durham.<sup>2</sup>

- 3) Correspondence and Outreach. I will admit that I do hold out hope for a larger more robust local paper in Arlington. Thus, I do want to push as much policy discussion through it as I do believe local reporting makes us better as a Town. I also recognize that this isn’t the only avenue for outreach so I’m planning a larger direct notification effort should the final resolution (and any modifications) be adopted by the Arlington Redevelopment Board, I will uphold my commitment to continue the outreach in this effort.

Thank you again for reading my updated correspondence

Sincerely,  
Dave Levy

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<sup>2</sup> <https://buildingsaltlake.com/has-city-hall-found-the-key-to-unlock-affordability-in-single-family-zones/>



**From:** Carolyn Parsons  
**Sent:** Monday, April 7, 2025 11:13 AM  
**To:** Rachel Zsembery  
**Subject:** Article 40

Hi,

In 2022, I evidently supported an article to allow two-family housing in R0 and in R1 districts by right. I am still inclined to vote in favor of such an article subject, of course, to hearing the discussion at Town Meeting.

Carolyn Parsons, TMM Pct. 18

**From:** Kristin Pennarun  
**Sent:** Monday, April 7, 2025 9:34 AM  
**To:** Rachel Zsembery  
**Cc:** Dave Levy  
**Subject:** Support for warrant article 40, ATM 2025

Dear Rachel and ARB,

I write to express my continued support for the initiative to allow a two-family housing by right in all zoned residential parcels in town, including R0 and R1 districts.

The arguments in favor of these changes are strong, and I believe these zoning updates will support the type of development that can preserve the character our town as one that is still "within reach" for working families. I'm not concerned about potential negative impacts, such as the risk of increased tax burden due to population growth.

I look forward to a robust public discussion of the warrant article during the upcoming town meeting.

Thank you, best wishes,  
Kristin Pennarun, TMM pct 20  
1261 Mass Ave #2  
978-258-8244

**From:** Larry Slotnick  
**Sent:** Monday, April 7, 2025 12:37 PM  
**To:** Rachel Zsembery  
**Subject:** My support for Article 40

Hello Ms Zsembery: As a TMM representing Pct 7 I am again in favor of passage of Article 40. I live in the land of 2 family homes on Grafton Street. Two family construction or conversion creates several attractive options for homeowners and developers to mildly increase density in the R0 and R1 neighborhoods of Arlington. There are many obvious roads and streets where R2 is already in place proximal to an R1 neighborhood, such as the Field neighborhood across the street from AHS. The town should take a deeper look at this matter. Thank you, Larry Slotnick



**From:** Jessie Brown

**Sent:** Monday, March 17, 2025 3:08 PM

**To:** Claire Ricker

**Subject:** Comment: Articles at stake Monday night, the 17th

Dear friends at the ARB,

I wanted to write you to respond to some of the agenda items you'll be considering this evening.

In general I want to support any measure that will make Arlington more affordable and accessible to a range of neighbors — young families, seniors, new arrivals, immigrants, families of color, anyone who not already wealthy, already privileged with the huge resources many households now enjoy: in short, the resources of those who make Arlington a more exclusive bedroom community than any of us wants.

For this reason, I ask you to **support Article 36**, to ensure a healthier economy for Arlington, increasing our welcome for local businesses, many of whom (the Arlington Brewing Company, for example) cannot afford to locate here. The more we drive out small business, the more we force residents to shop elsewhere, and the less populous and attractive our town becomes for future commercial enterprises. We shoot ourselves in the foot when we increase only residential space, which increases the need and expense for town services like education, and reduces the commercial tax base.

I urge you to **discourage Article 37**, whose short-sighted expansion of multi-family dwellings will doubtless increase the size of new building developments, which no longer have to provide parking areas — we don't yet have the public transit infrastructure to help families, nor will biking space help children or seniors.

Most of all I hope you will take a strong stand **against Article 40**, which sends an open invitation to developers to squeeze up to four (!) dwellings, if you include ADUs, into single-family lots, without safeguards, including parking. Once again, this will only stress our already economically stretched town in terms of the cost of human services like education, senior support, and so on.

Please join me in **advocating for Article 43**, which has been long over-due. It will help us shift the focus away from developer profit to the health of our neighbors and neighborhood, with the resulting increase of home values that trees provide, benefiting our entire town.

Thank you for all your work —

Yours,

Jessie Brown

**From:** mf conradfamily.org

**Sent:** Monday, March 17, 2025 3:26 PM

**To:** Kin Lau; Stephen Revilak; Rachel Zsembery; Shaina Korman-Houston; Ashley Maher; Eugene Benson; Claire Ricker

**Subject:** Public Comment Articles 37, 38, & 40

Dear Arlington Redevelopment Board,

I appreciate your consideration on the following articles.

1) RE: Article 37: Reduction of Parking for Multi-Family Residential Developments

**Vote “No Action” on Article 37**, for the following reasons:

- The Article represents **wishful thinking**, ignoring the actual reality of car ownership. Please be realistic.
- The measures **penalize future renters** and owner residents. From the proponent’s slide presentation, **Arlington should establish ACTUAL NEED parking rules**, not aspirational and wishful thinking limits on unit parking.
- Parking is currently challenged on Arlington streets and lots and neighbors’ driveways for this proposal to be workable, given the **actual ownership of cars** per unit.
- Actual Cars/unit in Arlington is higher than 1 cars/unit. Parking is something nearly every adult in the area needs.
- Complex standards of “points” that are hard to monitor would allow developers to avoid the Town’s required parking minimums.
- Bicycle parking, EV charging and MBTA pass offers are laudable on their own, but **only help a small portion of residents to avoid the need of car ownership** and parking. Proposed payments to the town to avoid required parking look inappropriate and completely fail the needs of the future residents of these developments.
- 1 required parking spot for a 3-family house? 3 spots for 12-unit apartment complex? This is **not fair, equitable or actual** in Arlington or our metro-Boston area.
- The ARB **already has the authority to reduce parking requirements** upon review. There is **no evidence presented** by the proponent that allowing these unrealistically low levels of on-site parking is actually meeting resident needs.

This Article is not reflective of actual needs or realities of near future resident transport. Please vote “NO ACTION”

2) RE: Article 38: Allow business uses in residential zones

**vote “No Action” on Article 38**, for the following reasons:

- There is a loss of cohesiveness to both business areas and residential areas when business uses are added to residential zones. The business areas thrive close
- Instead of offering concentrated areas for businesses to succeed together this proposal would tend to spread out businesses, increasing the distance between, the difficulty of success for the businesses, the need for more customer driving and travel between distances. Pollution/traffic
- Parking issues, customer and supplier noise, traffic, crime, dirt and grime and loss of neighborhood feel would be likely
- There is so many empty existing business locations, why is this even being considered? There are commercial spaces that are not filled

Please vote “NO ACTION”

### 3) RE: Article 40: Allow 2-families by Right in R1/R0 (single family) Districts

**Vote “No Action” on Article 40**, for the following :

- Arlington has an existing, DIVERSE of housing type zoning: Multifamily, 3 family, 2 family and single family. Only 39% of that is single family; 61% is 2 family or multifamily.
- This comes as TOO LARGE A CHANGE, too soon after MBTA-CA density overlay changes dramatically altered many affected residents’ and businesses’ zoning.
- Such a large change deserves to be discussed, broadly, by those in the existing zones and the town’s residents. Instead, many of the thousands of residents in the R0 and R1 districts are completely unaware of this. **In 2019, the ARB pledged to include the public and those affected before supporting such dramatic changes.**
- The public: Voters have said NO to this proposal in recent past elections.
- The Town Meeting has said NO to this proposal in recent past votes.
- Since the last Town Meeting vote on this, ADU accessory statewide apartment law allows for an ADU on each of our lots, effectively delivering the goal of the proponents in a less disruptive way to affordability and our neighborhoods. This proposal would allow for 4 units, with ADUs, on our dense, small lots.
- Every single family converted into two family properties INCREASED the cost of each individual unit. So, this measure would worsen, not lessen, our housing cost crisis.
- We should acknowledge the value of single family homes as an option for our residents if they decide to move from other zoning types - one that allows them to avoid leaving Arlington.

Please vote “NO ACTION”

Sincerely,  
Mary Conrad



**From:** David von Schack

**Sent:** Tuesday, March 18, 2025 12:21 PM

**To:** Eugene Benson; Kin Lau; Stephen Revilak; Rachel Zsembery; Shaina Korman-Houston

**Cc:** Ashley Maher; Claire Ricker

**Subject:** opposition to Articles 37, 38 and 40

As a long-time resident of Arlington, I agree with the concerns raised by Arlington Residents for Responsible Redevelopment below and thus oppose the current proposals/ language of Articles 37, 38 and 40.

1 - RE: Article 37: Reduction of Parking for Multi-Family Residential Developments  
Vote "No Action" on Article 37, for the following reasons:

The Article represents wishful thinking. It ignores the actual reality of car ownership, the needs of different kinds of people from different backgrounds. The result is cruel to future residents.

We don't have adequate off-site parking currently in Arlington streets and lots and neighbors' driveways for this proposal to be workable, given the actual ownership of cars per unit.

Actual Cars/unit in Arlington is higher than 1 cars/unit. Parking is something nearly every adult in the area needs. Even in Cambridge, the community with highest adoption of other means of transport, 0.90 cars/unit are owned.

Complex standards of "points" that are hard to monitor would allow developers to avoid the Town's required parking minimums.

Bicycle parking, EV charging and MBTA pass offers are laudable on their own, but only help a small portion of residents to avoid the need of car ownership and parking. Proposed payments to the town to avoid required parking look inappropriate and completely fail the needs of the future residents of these developments.

From the proponents' slides: Only 1 required parking spot for a 3-family house? 3 spots for 12-unit apartment complex? This is not fair, equitable or actual in Arlington or our metro-Boston area.

In a 12 unit apartment building, reductions to only 3 spaces for cars would be allowed. What about handicapped, elderly, working parents, those with car-required night jobs?

The measures penalize future renters and owner residents. From the proponent's slide presentation, Arlington should establish ACTUAL NEED parking rules, not aspirational and wishful thinking limits on unit parking.

The ARB already has the authority to reduce parking requirements upon review. There is no evidence presented by the proponent that allowing these unrealistically low levels of on-

site parking is actually meeting resident needs. It's far better to allow the ARB to review such reductions.

This Article might be great for developers, but it is not reflective of actual needs or realities of near future resident transport. Town Meeting should not alter the ARB's role in the current zoning laws on these matters.

## 2 - RE: Article 38: Allow business uses in residential zones

vote "No Action" on Article 38, for the following reasons:

There is a loss of cohesiveness to both business areas and residential areas when business uses are added to residential zones. It doesn't work well for either of the uses: the businesses or the homes.

Instead of offering concentrated areas for businesses to succeed together this proposal would tend to spread out businesses, increasing the distance between, the difficulty of success for the businesses, the need for more customer driving and travel between distances.

Parking issues, customer and supplier noise, traffic, crime, dirt and grime and loss of neighborhood feel would be likely. When I lived in such a business-in-residential area in Washington, DC I noticed this: noise, crime and rats.

In every (European city) place I've been where business is walkable from people's apartments, the businesses are clustered together, on a main street, not actually in the residential zones. The residential areas thrive close...but separate from the business-zoned areas.

There isn't an obvious demand for this Article with empty existing business locations and a shortage of residential homes. We have commercial spaces that are not filled, this would not help that issue. At the same time, we are trying to preserve or add to our residential units, which this proposal would impede or hurt.

Here's the ACMI video of the ARB board's (generally negative) opinions on Article 38 from January 27, 2025. <https://youtu.be/vu5oMeFZPDo?t=10629>

## 3 - RE: Article 40: Allow 2-families by Right in R1/R0 (single family) Districts

Vote "No Action" on Article 40, which would effectively end single family zoning in Arlington. The reasons are that:

Arlington has an existing, DIVERSE of housing type zoning: Multifamily, 3 family, 2 family and single family. Only 39% of that is single family; 61% is 2 family or multifamily. This existing diversity is an asset to our town.

This comes as TOO LARGE A CHANGE, too soon after MBTA-CA density overlay changes dramatically altered many affected residents' and businesses' zoning.

Such a large change deserves to be discussed, broadly, by those in the existing zones and the town's residents. Instead, many of the thousands of residents in the R0 and R1 districts are completely unaware of this. In 2019, the ARB pledged to include the public and those affected before supporting such dramatic changes.

The public: Voters have said NO to this proposal in recent past elections.

The Town Meeting has said NO to this proposal in recent past votes.

Since the last Town Meeting vote on this, ADU accessory statewide apartment law allows for an ADU on each of our lots, effectively delivering the goal of the proponents in a less disruptive way to affordability and our neighborhoods. This proposal would allow for 4 units, with ADUs, on our dense, small lots.

Every single family converted into two family properties INCREASED the cost of each individual unit. So, this measure would worsen, not lessen, our housing cost crisis.

We should acknowledge the value of single family homes as an option for our residents if they decide to move from other zoning types - one that allows them to avoid leaving Arlington.

Sincerlely,

David von Schack (10 Cheviot Rd, Arlington MA)

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\_ ( ) / ( ) \_\_\_\_\_ David von Schack; [dvschack@yahoo.com](mailto:dvschack@yahoo.com)



**From:** Dori Peleg Mazor

**Sent:** Monday, March 24, 2025 8:52 PM

**To:** Rachel Zsemlery; Kin Lau; Eugene Benson; Shaina Korman-Houston; Stephen Revilak; Claire Ricker

**Subject:** Support for Affordable Housing and Vibrant Neighborhoods (Articles 38 and 40)

Hello ARB Members,

I'm writing in support of affordable housing opportunities in Arlington in general, and specifically in support of articles 38 and 40 (citizen petitions).

My family has lived in East Arlington for almost a decade, and I feel fortunate on a daily basis that we moved here when the housing market was nominally affordable. My husband and I are able to walk our son to school and then commute via public transit to work. We often frequent neighborhood restaurants (such as the delightful Boon Noon), have bought many cherished gifts at Maxima, and have marked many special occasions with treats from Quebrada. I support Article 38 because it would make it easier for additional small businesses to enliven Arlington neighborhoods, boosting the economy while providing opportunities for residents to enjoy shopping and services close to home.

Because multi-family housing is available in East Arlington, our neighborhood is close-knit and vibrant, and incorporates housing options for couples and smaller households. I support Article 40 because, by facilitating the development of multi-family dwellings, it provides another mechanism to address the state's housing shortage and an alternative to the development of unaffordable, oversized single-family homes.

Please join me in supporting these articles.

Thank you for your consideration,

Dori Mazor

Precinct 4 TMM

12B Fairmont St.

**From:** Carlos Sanchez

**Sent:** Sunday, March 30, 2025 7:08 PM

**To:** Claire Ricker

**Subject:** ABC street safety

To the ARB,

As an Arlington resident, I have some concerns regarding the safety for the pedestrians and residents residing in the surrounding areas where Arlington brewery will be located. After the death of the pedestrian on Mass Ave by Trader Joe's back in December and the student who was struck on Park ave our priority is to make sure our streets are safe for all. And it will be a disservice to Harlan Culanz, the 85 year old that died.

We have to acknowledge and plan for the walkability and safety and not for it to be an afterthought when someone's has been struck or life taken away. As Arlington expands and continues to grow as a vibrant community, it also must evolve its infrastructure to manage traffic congestion, pedestrian and bike safety. I am disappointed that Arlington does not seem to move forward as thoughtfully and effectively as some of our neighbors.

As far as the brewery is concerned, it will be wonderful to have a new business in town but the plans put forth are inadequate for addressing the additional traffic, parking, noise and pedestrian safety. You as our representatives for the town redevelopment board have the ability to be a part of the solution. Make this introduction of a new business a positive one for all, instead of an accident waiting to happen.

Thank you for your time,

Carlos Sanchez